LEGISLATIVE HISTORY
Public Law 90-542
S. 119

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INDEX AND SUMMARY OF S.119

Jan.	11, 1967	Sen. Church introduced and discussed S. 119 which was referred to Senate Interior and Insular Affairs Committee. Print of bill as introduced and remarks of Senator Church.
July	27, 1967	Senate committee voted to report S. 119.
Aug.	4, 1967	Senate committee reported S. 119 with amendments. Senate Report 491. Print of bill and report.
Aug.	7, 1967	Senate began debate.
Aug.	8, 1967	Senate passed S. 119 with amendments.
Aug.	9, 1967	S. 119 was referred to House Interior and Insular Affairs Committee. Print of bill as referred.
July	1, 1968	Rep. Saylor introduced H. R. 18260 which was referred to House Interior and Insular Affairs Committee. Print of bill as introduced.
July	3, 1968	House committee reported H. R. 18260. House Report 1623. Print of bill and report.
July	16, 1968	House rejected a motion to pass H. R. 18260 under suspension of rules.
Sept.	9, 1968	Rules Committee granted rule.
Sept.	10, 1968	Rules Committee reported a resolution for consideration of H. R. 18260. H. Res. 1300. H. Rept. 1885. Print of resolution and report.
Sept.	12, 1968	House passed S. 119 with an amendment to insert the language of H. R. 18260. H. R. 18260 was tabled due to passage of S. 119.
Sept.	16, 1968	House conferees were appointed.
		Senate conferees were appointed.
Sept.	18, 1968	Conferees agreed to file a report.
Sept.	24, 1968	House received conference report on S. 119. House Report 1917. Print of report.
Sept.	25, 1968	House agreed to conference report.
Sept.	26, 1968	Senate agreed to conference report.
Oct.	2, 1968	Approved: Public Law 90-542.

Hearings: H. Committee on H. R. 8416
S. Committee on S. 119

90TH CONGRESS
1ST SESSION

S. 119

IN THE SENATE OF THE UNITED STATES

JANUARY 11, 1967

Mr. CHURCH (for himself, Mr. ANDERSON, Mr. BARTLETT, Mr. BAYH, Mr. BREWSTER, Mr. BURDICK, Mr. CASE, Mr. CLARK, Mr. COOPER, Mr. DODD, Mr. ERVIN, Mr. FONG, Mr. GRUENING, Mr. HART, Mr. INOUYE, Mr. JACKSON, Mr. KENNEDY of New York, Mr. LAUSCHE, Mr. LONG of Missouri, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. MILLER, Mr. MONDALE, Mr. MONTOYA, Mr. MORSE, Mr. MOSS, Mr. MUNDT, Mr. NELSON, Mr. PERCY, Mr. PROXMIRE, Mr. RIBICOFF, Mr. SCOTT, Mr. SYMINGTON, Mr. TYDINGS, Mr. YARBOROUGH, and Mr. YOUNG of Ohio) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To reserve certain public lands for a National Wild Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Wild Rivers Act".

STATEMENT OF POLICY

SEC. 2. (a) The Congress finds that some of the free-flowing rivers of the United States possess unique water conservation, scenic, fish, wildlife, and outdoor recreation values of present and potential benefit to the American

1 people. The Congress also finds that our established na-
2 tional policy of dam and other construction at appropriate
3 sections of the rivers of the United States needs to be com-
4 plemented by a policy that would preserve other selected
5 rivers or sections thereof in their free-flowing condition to
6 protect the water quality of such rivers and to fulfill other
7 vital national conservation purposes. It is the policy of
8 Congress to preserve, develop, reclaim, and make accessible
9 for the benefit of all of the American people selected parts
10 of the Nation's diminishing resource of free-flowing rivers.
11 For this purpose there is hereby established a National Wild
12 Rivers System to be composed of the areas that are desig-
13 nated as "wild river areas" in this Act, and the additional
14 areas that may be designated in subsequent Acts of Congress.
15 Areas designated as "wild river areas" by subsequent Acts
16 of Congress shall be administered in accordance with the
17 provisions of this Act unless the subsequent Acts provide
18 otherwise.

19 DEFINITION OF WILD RIVER AREA

20 (b) A wild river area eligible to be included in the
21 System is a stream or section of a stream, tributary, or
22 river—and the related adjacent land area—that should be
23 left in its free-flowing condition, or that should be restored
24 to such condition, in order to promote sound water conserva-

1 tion, and promote the public use and enjoyment of the scenic,
2 fish, wildlife, and outdoor recreation values.

3 NATIONAL WILD RIVERS SYSTEM

4 SEC. 3. (a) The following rivers, or segments thereof,
5 and related, adjacent lands, most of which are public lands,
6 as depicted on maps numbered "NWR–SAL–1001, NWR–
7 CLE–1001, NWR–ROG–1001, NWR–RIO–1000, NWR–
8 ELE–1000, NWR–CAP–1000, and NWR–SHE–1000" are
9 hereby designated as "wild river areas":

10 (1) Salmon, Idaho—the Salmon from town of
11 North Fork downstream to its confluence with the Snake
12 River and the entire Middle Fork.

13 (2) Clearwater, Middle Fork, Idaho—the Middle
14 Fork from the town of Kooskia upstream to the town of
15 Lowell; the Lochsa River from its junction with the
16 Selway at Lowell forming the Middle Fork, upstream
17 to the Powell Ranger Station; and the Selway River
18 from Lowell upstream to its origin.

19 (3) Rogue, Oregon—the segment extending from
20 the Applegate River to the Route 101 highway bridge
21 above Gold Beach.

22 (4) Rio Grande, New Mexico—the segment ex-
23 tending from the Colorado State line downstream to

1 near the town of Pilar, and the lower four miles of the
2 Red River.
3 (5) Eleven Point, Missouri—the segment of the
4 river extending from a point near Greer Spring down-
5 stream to State Highway 142.
6 (6) Cacapon, West Virginia—entire river and its
7 tributary, the Lost River.
8 (7) Shenandoah, West Virginia—the segment of
9 the river located in the State of West Virginia.
10 Said maps shall be on file and available for public inspection
11 in the appropriate offices of the Department of the Interior
12 and the Department of Agriculture.

13 FEDERAL-STATE PLANNING FOR ADDITIONS TO SYSTEM

14 (b) The Secretary of the Interior, and the Secretary
15 of Agriculture where national forest lands are involved, after
16 consultation with interested Federal agencies, are directed
17 to consult with the Governors and officials of the States in
18 which the rivers listed below are located to ascertain whether
19 a joint Federal-State plan is feasible and desirable in the
20 public interest to conserve segments of these rivers. They
21 shall submit to the President their recommendations for in-
22 clusion of any or all of them in the National Wild Rivers
23 System, and the President shall submit to the Congress his

1 recommendations for such legislation as he deems appropri-
2 ate:
3 (1) Buffalo, Tennessee—the entire river from its
4 beginning in Lawrence County to its confluence with
5 the Duck River.
6 (2) Green, Wyoming—the segment extending from
7 its origin in the Bridger Wilderness Area, south to its
8 confluence with Horse Creek.
9 (3) Hudson, New York—the segment of the main-
10 stem extending from its origin in the Adirondack Park
11 downstream to the vicinity of the town of Luzerne:
12 Boreas River from its mouth to Durgin Brook; Indian
13 River from its mouth to Abanakee Dam; and Cedar
14 River from its mouth to Cedar River flow.
15 (4) Missouri, Montana—the segment upstream
16 from Fort Peck Reservoir toward the town of Fort
17 Benton.
18 (5) Niobrara, Nebraska—the mainstem segment
19 lying between the confluence of Antelope Creek down-
20 stream to the headwaters of the proposed Norden Res-
21 ervoir east of the town of Valentine, and the lower eight
22 miles of its Snake River tributary.
23 (6) Skagit, Washington—the Skagit from the town

of Mount Vernon upstream to Gorge powerhouse near the town of Newhalem; the Cascade River from its mouth to the confluence of the North and South Forks; the Sauk from its mouth to Elliott Creek; and the Suiattle from its mouth to Milk Creek.

(7) Susquehanna, New York and Pennsylvania—the segment of the Susquehanna River from a dam at Cooperstown, New York, downstream to the town of Pittston, Pennsylvania.

(8) Wolf, Wisconsin—the segment reaching from the confluence of the Hunting River downstream to the town of Keshena.

(9) Suwannee, Georgia and Florida—entire river from its source in the Okefenokee Swamp in Georgia to the gulf, and the outlying Ichetucknee Springs, Florida.

(10) Youghiogheny, Maryland and Pennsylvania—from Oakland, Maryland, to the Youghiogheny Reservoir, and from the Youghiogheny Dam, downstream to the town of Connellsville, Pennsylvania.

(11) Little Miami, Ohio—the segment of the Little Miami River in Clark, Greene, Warren, and Clermont Counties from a point in the vicinity of Clifton, Ohio, downstream to a point in the vicinity of Morrow, Ohio.

(12) Little Beaver, Ohio—the segment of the North and Middle Forks of the Little Beaver River, in

1 Columbiana County, from a point in the vicinity of
2 Negly and Elkton, Ohio, downstream to a point in the
3 vicinity of East Liverpool, Ohio.

4 (13) Pine Creek, Pennsylvania—the segment from
5 Ansonia, Pennsylvania, to Waterville, Pennsylvania.

6 (14) Delaware, Pennsylvania and New York—the
7 segment from Hancock, New York, to Matamoras, Penn-
8 sylvania.

9 (15) Allegheny, Pennsylvania—the segment from
10 the Allegheny Reservoir at Kinzua, Pennsylvania, to
11 Tionesta, Pennsylvania, and then from Franklin, Penn-
12 sylvania, to East Brady, Pennsylvania.

13 (16) Clarion, Pennsylvania—the segment from
14 where it enters the Allegheny River to Ridgway,
15 Pennsylvania.

16 (17) West Branch Susquehanna, Pennsylvania—
17 the segment of the West Branch Susquehanna from
18 Clearfield, Pennsylvania, to Lock Haven, Pennsylvania.

19 RIVER BASIN PLANNING FOR ADDITIONS TO SYSTEM

20 (c) In all planning for the use and development of water
21 and related land resources, consideration shall be given by
22 all Federal agencies involved to potential wild river areas,
23 and all river basin and project plan reports submitted to the
24 Congress shall discuss any such potentials. The Secretary

1 of the Interior and the Secretary of Agriculture shall make
2 specific studies and investigations to determine which addi-
3 tional wild river areas within the United States shall be
4 evaluated in planning reports by all Federal agencies as
5 potential alternative uses of the water and related land
6 resources involved.

7 OTHER ADDITIONS TO SYSTEM

8 (d) The Secretary of the Interior and the Secretary of
9 Agriculture shall also submit to the President from time
10 to time their recommendations for inclusion in the National
11 Wild Rivers System of any other river or segment thereof.
12 The President shall submit to the Congress his recommenda-
13 tions for such legislation as he deems appropriate.

14 (e) Recommendations made under this section shall be
15 developed in consultation with the States, those Federal
16 agencies which normally participate in the development of
17 recreation plans and comprehensive river basin plans, any
18 commissions established pursuant to interstate compacts the
19 assigned responsibilities of which would be affected, and com-
20 missions or other bodies which may be established for the
21 purpose of developing a comprehensive plan for the river
22 basin within which the contemplated wild river area would
23 be located. Each such recommendation shall be accom-
24 panied by (1) expressions of any views which the agencies
25 and States consulted pursuant to the foregoing may submit

1 within ninety days after having been notified of the proposed
2 recommendation, (2) a statement setting forth the probable
3 effect of the recommended action on any comprehensive
4 river basin plan that may have been adopted by Congress or
5 that is serving as a guide for coordinating Federal or Federal
6 and State programs in the basin, and (3) in the absence
7 of such plan, a statement indicating the probable effect of
8 the recommended action on alternative beneficial uses of the
9 resources of the basin.

10 (f) Whenever it is proposed to add a river or segment
11 thereof to the National Wild Rivers System, and the river or
12 segment runs through non-Federal land, recommendations
13 with respect to its addition and with respect to whether it
14 should be wholly or partly acquired, protected, and managed
15 pursuant to exclusive State authority shall be made to the
16 President by the Governor of each State concerned. Such
17 recommendation to the President shall be accompanied by or
18 based upon a general State plan which assures the effectuation
19 of the purposes of this Act in perpetuity. The President shall
20 submit to the Congress his recommendations with respect
21 to the designation of such river or segment thereof as a part
22 of the National Wild Rivers System and the administration
23 of such area by State authority, together with such draft
24 legislation that he deems appropriate.

1 NEED FOR LAND ACQUISITION

2 (g) Any recommendation for an addition to the Na-
3 tional Wild Rivers System shall indicate the extent to which
4 land will need to be acquired by the State and by the Fed-
5 eral Government, and the extent to which the acquisition
6 of scenic easements or other interests in land may be an
7 adequate substitute for the acquisition of a fee title.

8 ADMINISTRATION OF SYSTEM

9 SEC. 4. (a) The Secretary of the Interior shall ad-
10 minister the wild river area designated by subsection 3 (a),
11 paragraph (4) and the Secretary of Agriculture shall ad-
12 minister the areas designated by paragraphs (2) and (5).
13 The area designated by paragraphs (1), (3), (6), and
14 (7) shall be administered in a manner agreed upon by the
15 two Secretaries, or as directed by the President.

16 (b) Wild river areas designated by subsequent Acts of
17 Congress shall be administered by the Secretary of the In-
18 terior, except that when the wild river area is wholly
19 within, partly within, or closely adjacent to, a national forest
20 such area shall be administered by the Secretary of Agricul-
21 ture unless it is also partly within, or closely adjacent to, an
22 area administered by the Secretary of the Interior, in which
23 event the wild river area shall be administered in such man-
24 ner as may be agreed upon by the Secretary of the Interior
25 and the Secretary of Agriculture, or as directed by the

1 President. The Secretary charged with the administration
2 of a wild river area or portion thereof designated by this
3 Act or by subsequent Acts may agree with the Governor of
4 the State for State or local governmental agency participa-
5 tion in the administration of the area. The States shall be
6 encouraged to cooperate in the planning and administration
7 of such wild river areas where they include State-owned or
8 county-owned lands. Any Federal land located within a
9 wild river area may, with the consent of the head of the
10 agency having jurisdiction thereof, be transferred to the juris-
11 diction of the appropriate Secretary or State for administra-
12 tion as part of the wild river area. Any land transferred
13 hereunder to the jurisdiction of the Secretary of Agriculture
14 for administration as part of a wild river area in connection
15 with the National Forest System shall become national forest
16 land.

17 (c) Within the exterior boundaries of a wild river area
18 as defined by section 3 of this Act, the Secretary of the In-
19 terior or the Secretary of Agriculture may acquire lands or
20 interests therein by donation, purchase with donated or
21 appropriated funds, exchange, or otherwise: *Provided,* That
22 neither Secretary may acquire lands, waters, or interests
23 therein by condemnation without the owner's consent when
24 50 per centum or more of the acreage or stream bank within
25 the entire wild river area is owned by Federal, State, or local

1 governmental agencies, but this limitation shall not apply to
2 the acquisition of scenic easements. Lands owned by an
3 Indian tribe may be acquired only with the consent of the
4 tribal governing body. In the exercise of his exchange au-
5 thority the Secretary of the Interior may accept title to any
6 non-Federal property within a wild river area, and in ex-
7 change therefor he may convey to the grantor of such prop-
8 erty any federally owned property under his jurisdiction
9 within the State in which the river or segment thereof runs,
10 except lands within the National Park System, the National
11 Wildlife Refuge System, or revested Oregon and California
12 Railroad and reconveyed Coos Bay Wagon Road grant
13 lands, which he classifies as suitable for exchange or other
14 disposal. The properties so exchanged shall be of approxi-
15 mately equal fair market value. If they are not of ap-
16 proximately equal fair market value, the Secretary of the
17 Interior may accept cash from, or pay cash to, the grantor
18 in order to equalize the values of the properties exchanged.
19 The Secretary of Agriculture, in the exercise of his exchange
20 authority, may utilize authorities and procedures available
21 to him in connection with exchanges of national forest lands.
22 Any such lands acquired by the Secretary of Agriculture
23 within or adjacent to a national forest shall upon acquisition
24 become national forest lands. Money appropriated for Fed-
25 eral or State purposes from the land and water conservation

1 fund shall be available for the acquisition of property for
2 the purposes of this Act. As used in this Act the term
3 "scenic easement" means the right to control the use of land
4 (including the air space above such land) for the purpose of
5 protecting the scenic view from the river for the purposes of
6 this Act, but such control shall not affect any regular use
7 exercised prior to the acquisition of the easement.

8 (d) Neither the Secretary of the Interior nor the Secre-
9 tary of Agriculture may acquire lands by condemnation, for
10 the purpose of including such lands in any wild river area, if
11 such lands are located within any incorporated city, village,
12 or borough within such area, when such entities shall have in
13 force and applicable to such lands a duly adopted, valid zon-
14 ing ordinance that is satisfactory to the Secretary.

15 (e) Neither the Secretary of the Interior nor the Secre-
16 tary of Agriculture may exercise any authority to acquire
17 county-owned lands within any wild river area without the
18 consent of said county as long as the county is following a
19 plan for the management, zoning and protection of such
20 lands that is satisfactory to the Secretary.

21 (f) Wherever the power of condemnation has been con-
22 ferred by this Act, the Secretary of the Interior and the
23 Secretary of Agriculture may acquire in fee title by con-
24 demnation an area which may not extend more than three

1 hundred feet on either side of the stream, tributary, or river;
2 and either Secretary may acquire by condemnation for scenic
3 easements, or other interests in land other than fee title, an
4 area which extends no more than one thousand three hundred
5 and twenty feet from either side of the stream, tributary, or
6 river.

7 (g) A wild river area shall be administered for the
8 purposes of water conservation, scenic, fish, wildlife, and out-
9 door recreation values contributing to public enjoyment, but
10 without limitation on other uses, including timber harvesting
11 and livestock grazing, that do not substantially interfere with
12 these purposes. The Secretary of the Interior, in admin-
13 istering such areas, may utilize such statutory authorities
14 relating to areas of the national park system and such statu-
15 tory authorities otherwise available to him for recreation
16 and preservation purposes, and the conservation and man-
17 agement of natural resources, as he deems appropriate to
18 carry out the purposes of this Act. The Secretary of Agri-
19 culture, in administering such areas, shall utilize the statu-
20 tory authorities relating to the national forests in such
21 manner as he deems appropriate to carry out the purposes
22 of this Act.

23 (h) No lands, waters or interests therein other than
24 scenic easements may be administered under this Act as a
25 part of the National Wild Rivers System if such lands,

1 waters, or interests were acquired by a State under its power
2 of condemnation for the specific purpose of making such
3 lands, waters, or interests therein a part of the National Wild
4 Rivers System under this Act.

5 SPECIAL PROVISIONS

6 SEC. 5. (a) The Federal Power Commission shall not
7 authorize the construction, operation, or maintenance of any
8 dam or other project work under the Federal Power Act
9 (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), in
10 any wild river area except as specifically authorized by the
11 Congress.

12 (b) Nothing in this Act shall affect the applicability of
13 the United States mining and mineral leasing laws within
14 the National Wild Rivers System, except that all mining
15 claims located after the effective date of this Act shall be sub-
16 ject to such regulations as the Secretary of the Interior, or
17 the Secretary of Agriculture in the case of national forest
18 lands, may prescribe to effectuate the purposes of this Act.
19 Any patent issued shall recite this limitation. All such regu-
20 lations shall provide among other things for safeguards
21 against pollution of the river.

22 (c) Any portion of a wild river area that is within the
23 National Wilderness Preservation System, as established by
24 the Act of September 3, 1964 (Public Law 88-577), shall
25 be subject to the provisions of both the Wilderness Act and

1 this Act with respect to the preservation of such a wild river
2 area, and in case of conflict between the provisions of these
3 Acts the more restrictive provisions shall apply.

4 (d) The head of any Federal or State agency adminis-
5 tering a wild river area shall cooperate with the Secretary
6 of Health, Education, and Welfare, and with the appropriate
7 State water pollution control agencies, for the purpose of
8 eliminating or diminishing the pollution of waters within a
9 wild river area.

10 (e) The jurisdiction of the States and the United States
11 over waters of any stream included in a wild river area shall
12 be determined by established principles of law. Under the
13 provisions of this Act, any taking by the United States of
14 a water right which is vested under either State or Federal
15 law at the time such river is included in the Wild Rivers
16 System shall entitle the owner thereof to just compensation.
17 Nothing in this Act shall constitute an express or implied
18 claim or denial on the part of the Federal Government as
19 to exemption from State water laws.

20 (f) Nothing in this Act shall affect the jurisdiction or
21 responsibilities of the States under other provisions of law
22 with respect to fish and wildlife.

23 (g) Nothing contained in this Act shall be construed to
24 alter, amend, repeal, construe, interpret, modify or be in
25 conflict with any interstate compact made by any States

1 which contain any portion of the National Wild Rivers
2 System.
3 (h) A State shall have such rights as may be neces-
4 sary to assure adequate access by such State to the beds of
5 navigable streams, tributaries, or rivers (or segments thereof)
6 which are vested in the State, in case such beds are located
7 in a wild river area.
8 (i) Designation of any stream or portion thereof shall
9 not be construed as a reservation of the waters of such
10 streams for purposes other than those specified in this Act,
11 or in quantities greater than necessary to accomplish these
12 purposes.
13 (j) The jurisdiction of the States over waters of any
14 stream included in a wild river area shall be unaffected by
15 this Act to the extent that such jurisdiction may be exercised
16 without impairing the purposes of this Act or its adminis-
17 tration.
18 SEC. 6. In recognition of the fact that changes may
19 occur in the circumstances of wild river areas included in
20 the National Wild Rivers System or in the needs for the
21 resources associated with such areas, which will require
22 future Congresses to make changes in the system, and in
23 order to assure that the Congress is kept informed of such
24 changes in circumstances or needs, there is created a Na-

1 tional Wild Rivers Review Board, to make reviews and
2 furnish reports to the Congress as hereinafter provided.
3 The National Wild Rivers Review Board shall consist
4 of the Secretary of the Interior, who shall be its chairman,
5 the Secretary of Agriculture, the Secretary of the Army, the
6 Chairman of the Federal Power Commission, and the Gov-
7 ernors of the several States for the purpose of consideration
8 of the status of any river included within the National Wild
9 Rivers System which lies within their States.
10 Within sixty days after the convening of a new Con-
11 gress, commencing with the second Congress after the enact-
12 ment of this Act, the National Wild Rivers Review Board
13 shall file a report and recommendations with the President
14 of the Senate and with the Speaker of the House of Repre-
15 sentatives. Such report shall contain a discussion of any
16 significant developments since the date of enactment of the
17 Act, or since the last report, including but not limited to the
18 following subjects: Technology of passage of fish over dams;
19 status and trends of anadromous fish runs; activities by way
20 of construction or otherwise pursuant to international agree-
21 ments relating to any basin in which wild rivers are desig-
22 nated; projected national, regional, or local demand for addi-
23 tional electrical generating capacity, particularly as related
24 to existence or possibility of declarations of national emer-
25 gency; and Federal or State legislative changes which affect

1 the financing of river or reclamation development projects,
2 including basin account authorizations relative to any basin
3 in which wild rivers are designated. The National Wild
4 Rivers Review Board is authorized and directed to conduct
5 continuing comparative studies which would measure the
6 balance of benefits and detriments of each wild river to the
7 State in which it is located, and to report to Congress, as
8 appropriate, recommendations to assure that, wherever it is
9 found that the reclamation of arid land would better serve
10 the public interest of such State, the same shall not be
11 prejudiced by the wild rivers status of any stream.
12 SEC. 7. There are hereby authorized to be appropriated
13 such sums as may be necessary to carry out the provisions
14 of this Act.

90TH CONGRESS
1ST SESSION

S. 119

A BILL

To reserve certain public lands for a National Wild Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes.

By Mr. CHURCH, Mr. ANDERSON, Mr. BARTLETT, Mr. BAYH, Mr. BREWSTER, Mr. BURDICK, Mr. CASE, Mr. CLARK, Mr. COOPER, Mr. DODD, Mr. ERVIN, Mr. FONG, Mr. GRUENING, Mr. HART, Mr. INOUYE, Mr. JACKSON, Mr. KENNEDY of New York, Mr. LAUSCHE, Mr. LONG of Missouri, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. MILLER, Mr. MONDALE, Mr. MONTOYA, Mr. MORSE, Mr. MOSS, Mr. MUNDT, Mr. NELSON, Mr. PERCY, Mr. PROXMIRE, Mr. RIBICOFF, Mr. SCOTT, Mr. SYMINGTON, Mr. TYDINGS, Mr. YARBOROUGH, and Mr. YOUNG of Ohio

JANUARY 11, 1967

Read twice and referred to the Committee on Interior and Insular Affairs

mittees (established pursuant to section 1846(a)).

"(2) The term 'allowable expense,' when used in connection with any quantity of a qualified drug means the amount established with regard to such quantity of such drug by the Formulary Committee and approved by the Secretary.

"(b) Amounts to which an individual is entitled by reason of the provisions of section 1832(a)(3) shall be paid directly to such individual or, if such individual has assigned his right to receive any such amount to another person, the amount so assigned shall be paid to such other person. No individual shall be paid any amount by reason of the provisions of section 1832(a)(3) prior to the presentation by him (or by another on his behalf) of documentary or other proof satisfactory to the Secretary establishing his entitlement thereto.

"(c) The benefits provided by reason of section 1832(a)(3) may be paid by the Secretary or the Secretary may utilize the service of carriers for the administration of such benefits under contracts entered into between the Secretary and such carriers for such purpose. To the extent determined by the Secretary to be appropriate, the provisions relating to contracts entered into pursuant to section 1842 shall be applicable to contracts entered into pursuant to this subsection.

"FORMULARY COMMITTEE

"SEC. 1846. (a) There is hereby established a Formulary Committee to consist of the Surgeon General of the Public Health Service, the Commissioner of the Food and Drug Administration, and the Director of the National Institutes of Health.

"(b)(1) It shall be the duty of the Formulary Committee, with the advice and assistance of the Formulary Advisory Group (established pursuant to section 1847) to—

"(A) determine which drugs and biologicals shall constitute qualified drugs for purposes of the benefits provided under section 1832(a); and

"(B) determine, with the approval of the Secretary, the allowable expense, for the poses of such benefits, of the various quantities of any drug determined by the Committee to constitute a qualified drug; and

"(C) publish and disseminate at least once each calendar year among individuals insured under this part, physicians, pharmacists, and other interested persons, in accordance with directives of the Secretary, an alphabetic list naming each drug or biological (by its generic name and by each other name by which it is known) which is a qualified drug together with the allowable expense of various quantities thereof, and if any such drug or biological is known by a trade name, the generic name shall also appear with such trade name.

"(2)(A) Any drug or biological included on the list of qualified drugs shall, if listed by generic name, also be listed by its trade name or names, if any.

"(B) Drugs and biologicals shall be determined to be qualified drugs only if they can legally be obtained by the user pursuant to a prescription of a physician; except that the Formulary Committee may include certain drugs and biologicals not requiring such a prescription if it determines such drugs or biologicals to be of a lifesaving nature.

"(C) In the interest of orderly, economical, and equitable administration of the benefits provided under section 1832(a)(3), the Formulary Committee may, by regulation, provide that a drug or biological otherwise regarded as being a qualified drug shall not be so regarded when prescribed below certain minimum quantities.

"(3) In determining the allowable expense for any quantity of any qualified drug, the Formulary Committee shall give due consideration to recognized pricing guides for drugs, and of other pertinent factors, with a view to determining with respect to each qualified drug a schedule of prices for various quantities thereof which reflects the cost thereof to the ultimate dispenser of the drug plus a reasonable fee for the preparation, handling, and distribution thereof to the consumer thereof. In any case in which a drug or biological is available by generic name and one or more trade names any one of which is different from such generic name the cost of such drug or biological, for purposes of the preceding sentence, shall be deemed to be the lowest cost of an acceptable version of such drug, however named.

"ADVISORY GROUP TO FORMULARY COMMITTEE

"SEC. 1847. (a) For the purpose of assisting the Formulary Committee to carry out its duties and functions, the Secretary shall appoint an Advisory Group to the Formulary Committee (hereinafter in this section referred to as the 'Advisory Group'). The Advisory Group shall consist of seven members to be appointed by the Secretary. From time to time, the Secretary shall designate one of the members of the Advisory Group to serve as Chairman thereof. The members shall be so selected that each represents one or more of the following national organizations: an organization of physicians, an organization of manufacturers of drugs, an organization of pharmacists, an organization of persons concerned with public health, an organization of hospital pharmacists, an organization of colleges of medicine, an organization of colleges of pharmacy, and an organization of consumers. Each member shall hold office for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of six of the members first taking office shall expire, as designated by the Secretary at the time of appointment, two at the end of the first year, two at the end of the second year, and two at the end of the third year, after the date of appointment. A member shall not be eligible to serve continuously for more than two terms.

"(b) Members of the Advisory Group, while attending meetings or conferences thereof or otherwise serving on business of the Advisory Group, shall be entitled to receive compensation at rates to be fixed by the Secretary, but not exceeding $75 per day, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The Advisory Group is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Advisory Group such secretarial, clerical, and other assistance and such pertinent data obtained and prepared by thhe Department of Health, Education, and Welfare as the Advisory Group may require to carry out its functions."

(d) The amendments made by this section shall become effective on July 1, 1968.

EMERGENCY HOSPITAL SERVICES OUTSIDE UNITED STATES

SEC. 7. Section 1814(f) of the Social Security Act is amended by (1) inserting "(A)" immediately after "(1)", (2) striking out "(2)" and inserting in lieu thereof "(B)", (3) striking out the period at the end thereof and inserting in lieu of such period a semicolon followed by the word "or", and (4) adding at the end thereof the following new paragraph:

"(2)(A) such individual, at the time the emergency which necessitated such inpatient hospital services occurred—

"(1) was at a place located at a distance not greater than twenty-five miles from the continental United States,

"(2) maintained a residence within the United States, and

"(3) had been physically present in the United States within the ten-day period immediately preceding such time; and

"(B) such hospital was closer to, or substantially more accessible from, such place than the nearest hospital within the United States which was adequately equipped to deal with, and was available for the treatment of, such individual's illness or injury."

POSTHOSPITAL EXTENDED CARE SERVICES

SEC. 8. (a) Section 1814(a)(2)(D) of the Social Security Act is amended to read as follows:

"(D) in the case of posthospital extended care services, such services are or were required to be given on an inpatient basis because the individual needs or needed skilled nursing care on a continuing basis for—

"(i) any of the conditions with respect to which he was receiving inpatient hospital services (or services which would constitute inpatient hospital services if the institution met the requirements of paragraphs (6) and (8) of section 1861(a)) prior to transfer to the extended care facility or for a condition requiring such extended care services which arose after such transfer and while he was still in the facility for treatment of the condition or conditions for which he was receiving such inpatient hospital services, or

"(ii) any condition requiring such extended care, services and the existence of which was discovered or confirmed as a result of findings made while the individual was receiving outpatient diagnostic services, or, in the case of an individual who has been admitted to an extended care facility for such a condition, any other condition arising while he is in such facility;".

(b) The first sentence of section 1861(i) of such Act is amended to read as follows: "The term 'posthospital extended care services' means extended care services furnished an individual (A) after transfer from a hospital in which he was an inpatient for not less than three consecutive days before his discharge from the hospital in connection with such transfer, or (B) after he has received outpatient hospital diagnostic services, if, after reviewing the findings revealed by such services, his physician and the hospital from which he received such services certify (not later than 7 days after the termination of such services) that he is in immediate need of extended care services, and if he is admitted to an extended care facility within 14 days after the date on which his need for extended care services was so certified."

EYE AND DENTAL SERVICES, AND EYEGLASSES, DENTURES, AND OTHER DEVICES

SEC. 9. (a) Section 1861(r) of the Social Security Act is amended by striking out "but only with respect to (A) surgery related to the jaw or any structure contiguous to the jaw or (B) the reduction of any fracture of the jaw or any facial bone".

(b) Section 1861(s) of such Act is amended (1) by inserting "(A)" immediately after "(7)", in paragraph 7 thereof, and (2) by adding after such paragraph (7) the following new subparagraph:

"(B) dentures, eyeglasses, and other prosthetic devices related to the oral cavity, jaw, or to the eyes, including replacement thereof;".

(c)(1) Section 1862(a)(7) of such Act is amended by striking out "eyeglasses, or eye examinations for the purpose of prescribing, fitting, or changing eyeglasses, hearing aids

or examinations therefor, or" and inserting in lieu thereof "or".

(2) Section 1862(a) of such Act is further amended (A) by inserting "or" at the end of paragraph (10) thereof, (B) by striking out "; or" at the end of paragraph (11) thereof and by inserting a period in lieu of the matter stricken, and (C) by striking out paragraph (12) thereof.

PHYSICAL EXAMINATIONS

SEC. 10. Section 1862(a)(7) of the Social Security Act (as amended by section 9 of this Act) is further amended by inserting "(in excess of one during each calendar year)" after "routine physical checkups".

MEDICAL AND OTHER HEALTH SERVICES FURNISHED DURING RECEIPT OF COVERED INPATIENT HOSPITAL SERVICES OUTSIDE THE UNITED STATES

SEC. 11. Section 1862(a)(4) of the Social Security Act is amended by inserting "other than medical and other health services (as defined in section 1861(s)) furnished to a patient while he is receiving emergency inpatient hospital services furnished outside the United States under such conditions" immediately after "section 1814(f)".

EFFECTIVE DATE

SEC. 12. Unless otherwise specified in this Act, the amendments made by this Act shall take effect on the first day of the second month following the month in which this Act is enacted.

THE WILD RIVERS BILL

Mr. CHURCH. Mr. President, I introduce for appropriate reference, on behalf of myself and the distinguished chairman of the Interior Committee [Mr. JACKSON] a bill which would preserve certain free-flowing rivers in their wild and natural state.

This is, Mr. President, actually a reintroduction of the bill, S. 1446, which was the first to pass the Senate at the start of the second session of the 89th Congress by a vote of 71 to 1. It is familiarly known as the wild rivers bill. It failed of action in the House last year because of other measures which were given priority in the House Interior and Insular Affairs Committee.

As Senators know, this proposed legislation has been requested by the President, and is an outgrowth of extensive studies conducted by the Interior and the Agriculture Departments.

Hearings in Idaho, Wyoming, and here in Washington, D.C., have been conducted on the bill by the Senate Interior and Insular Affairs Committee.

Mr. President, only a few of America's rivers remain untamed. The thrust of our economic demands threatens the destruction of this part of our scenic and cultural heritage. Indeed, even as our wild rivers disappear, our recreation need for them escalates. Cities, dams, highways, residential and industrial developments encroach upon and destroy these hitherto unspoiled streams. We need to protect some of these rivers now, or those generations which stand upon our threshold may never know the excitement of white water, or fish in crystal-clear rivers, or leisurely float down blue streams which meander between tree-lined banks.

The bill establishes a national wild river system which initially comprises segments of seven rivers. These are the Salmon and Clearwater in my own State of Idaho, the Rogue in Oregon, the Rio Grande in New Mexico, the Eleven Point in Missouri, the Cacapon and its tributary, the Lost River, in West Virginia, and that portion of the Shenandoah which flows through West Virginia. Seventeen other rivers are listed for study as possible future inclusions, and a procedure is provided for inclusion of these and other rivers.

Administration of the rivers in the system would be by either the Secretary of Interior or Agriculture, or the Secretaries jointly, based upon their administrative areas; or jointly with the States, or States and local governmental agencies, or by the States exclusively. States would be encouraged to cooperate in the planning and administration of wild river areas which include State-owned or county-owned land.

A wild river area would be administered for water conservation, scenic, fish, wildlife, and outdoor recreation values, but without limitation on such other uses as timber harvesting and livestock grazing which do not interfere with these purposes. Mining will be allowed to continue, although claims along the river banks located after the effective date of the act would be subject to regulation to prevent water pollution.

Nothing in the bill will change existing laws with respect to the construction of bridges or needed roads. In given cases property owners might need access to both sides of the river.

As used in this legislation, a wild river is a free-flowing stream in a pleasing and relatively unaltered environment, with outstanding scenic and recreational values.

The bill places a limitation on condemnation, by providing that where 50 percent or more of the acreage within the entire wild river area is owned by Federal, State, or local governments, neither Secretary can condemn for acquisition of fee title, but may condemn for scenic easements. The Senate Interior and Insular Affairs Committee approved this limitation because it believed that rivers flowing through this amount of public land could amply provide bankland areas for public access and campgrounds without any need for acquiring private property by condemnation.

Wherever the power of condemnation is conferred, the Secretaries are limited to acquiring a maximum of 300 feet on either side of the stream, tributary, or river, in fee title, and may not exercise the power of condemnation for scenic easements in an area extending more than 1,320 feet from either side.

Nothing in the bill affects the applicability of State water laws, impairs water rights, or affects the jurisdiction and administration authority of the States with respect to fish and wildlife.

Obstruction of wild rivers by damming normally accomplished through construction or licensing by Federal agencies would be prohibited, except as expressly authorized by Congress.

An amendment adopted in committee, and sponsored by my colleague, Senator JORDAN, would establish a National Wild Rivers Review Commission to inform the Congress whenever changing public needs indicate that revisions should be made in the Wild Rivers system.

Mr. President, a National Wild Rivers System has extensive public support. There is growing concern for this particular segment of our scenic and recreational resources. And it is obligatory that we move now to preserve certain of these remarkable remnants of our original American landscape, for without statutory protection they will inevitably fall prey to obstruction, and once gone, they are lost forever.

Let us not deceive ourselves. This is part of our responsibility to all future Americans, and our husbanding of this diminishing resource will be entered on the books of their accounting. I commend the bill to the Senate and I urge its early passage.

I also ask unanimous consent that this measure be held at the desk for a period of 10 days to accommodate those Senators who may wish to become cosponsors, and that the text of the bill appear at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD and lie on the desk, as requested by the Senator from Idaho.

The bill (S. 119) to reserve certain public lands for a National Wild Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes, introduced by Mr. CHURCH (for himself and Mr. JACKSON), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Wild Rivers Act".

STATEMENT OF POLICY

SEC. 2. (a) The Congress finds that some of the free-flowing rivers of the United States possess unique water conservation, scenic, fish, wildlife, and outdoor recreation values of present and potential benefit to the American people. The Congress also finds that our established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes. It is the policy of Congress to preserve, develop, reclaim, and make accessible for the benefit of all of the American people selected parts of the Nation's diminishing resource of free-flowing rivers. For this purpose there is hereby established a National Wild Rivers System to be composed of the areas that are designated as "wild river areas" in this Act, and the additional areas that may be designated in subsequent Acts of Congress. Areas designated as "wild river areas" by subsequent Acts of Congress shall be administered in accordance with the provisions of this Act unless the subsequent Acts provide otherwise.

DEFINITION OF WILD RIVER AREA

(b) A wild river area eligible to be included in the system is a stream or section of a stream, tributary, or river—and the related adjacent land area—that should be left in its

free-flowing condition, or that should be restored to such condition, in order to promote sound water conservation, and promote the public use and enjoyment of the scenic, fish, wildlife, and outdoor recreation values.

NATIONAL WILD RIVERS SYSTEM

SEC. 3. (a) The following rivers, or segments thereof, and related, adjacent lands, most of which are public lands, as depicted on maps numbered "NWR-SAL-1001, NWR-CLE-1001, NWR-ROG-1001, NWR-RIO-1000, NWR-ELE-1000, NWR-CAP-1000, and NWR-SHE-1000" are hereby designated as "wild river areas":

(1) Salmon, Idaho—the Salmon from town of North Fork downstream to its confluence with the Snake River and the entire Middle Fork.

(2) Clearwater, Middle Fork, Idaho—the Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin.

(3) Rouge, Oregon—the segment extending from the Applegate River to the Route 101 highway bridge above Gold Beach.

(4) Rio Grande, New Mexico—the segment extending from the Colorado State line downstream to near the town of Pilar, and the lower four miles of the Red River.

(5) Eleven Point, Missouri—the segment of the river extending from a point near Greer Spring downstream to State Highway 142.

(6) Cacapon, West Virginia—entire river and its tributary, the Lost River.

(7) Shenandoah, West Virginia—the segment of the river located in the State of West Virginia.

Said maps shall be on file and available for public inspection in the appropriate offices of the Department of the Interior and the Department of Agriculture.

FEDERAL-STATE PLANNING FOR ADDITIONS TO SYSTEM

(b) The Secretary of the Interior, and the Secretary of Agriculture where national forest lands are involved, after consultation with interested Federal agencies, are directed to consult with the Governors and officials of the States in which the rivers listed below are located to ascertain whether a joint Federal-State plan is feasible and desirable in the public interest to conserve segments of these rivers. They shall submit to the President their recommendations for inclusion of any or all of them in the National Wild Rivers System, and the President shall submit to the Congress his recommendations for such legislation as he deems appropriate:

(1) Buffalo, Tennessee—the entire river from its beginning in Lawrence County to its confluence with the Duck River.

(2) Green, Wyoming—the segment extending from its origin in the Bridger Wilderness Area, south to its confluence with Horse Creek.

(3) Hudson, New York—the segment of the mainstem extending from its origin in the Adirondack Park downstream to the vicinity of the town of Luzerne: Boreas River from its mouth to Durgin Brook; Indian River from its mouth to Abanakee Dam; and Cedar River from its mouth to Cedar River flow.

(4) Missouri, Montana—the segment upstream from Fort Peck Reservoir toward the town of Fort Benton.

(5) Niobrara, Nebraska—the mainstem segment lying between the confluence of Antelope Creek downstream to the headwaters of the proposed Norden Reservoir east of the town of Valentine, and the lower eight miles of its Snake River tributary.

(6) Skagit, Washington—the Skagit from the town of Mount Vernon upstream to Gorge powerhouse near the town of Newhalem; the Cascade River from its mouth to the confluence of the North and South Forks; the Sauk from its mouth to Elliott Creek; and the Suiattle from its mouth to Milk Creek.

(7) Susquehanna, New York and Pennsylvania—the segment of the Susquehanna River from a dam at Cooperstown, New York, downstream to the town of Pittston, Pennsylvania.

(8) Wolf, Wisconsin—the segment reaching from the confluence of the Hunting River downstream to the town of Keshena.

(9) Suwannee, Georgia and Florida—entire river from its source in the Okefenokee Swamp in Georgia to the gulf, and the outlying Ichetucknee Springs, Florida.

(10) Youghiogheny, Maryland and Pennsylvania—from Oakland, Maryland, to the Youghiogheny Reservoir and from the Youghiogheny Dam, downstream to the town of Connellsville, Pennsylvania.

(11) Little Miami, Ohio—the segment of the Little Miami River in Clark, Greene, Warren, and Clermont Counties from a point in the vicinity of Clifton, Ohio, downstream to a point in the vicinity of Morrow, Ohio.

(12) Little Beaver, Ohio—the segment of the North and Middle Forks of the Little Beaver River, in Columbiana County, from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.

(13) Pine Creek, Pennsylvania—the segment from Ansonia, Pennsylvania, to Waterville, Pennsylvania.

(14) Delaware, Pennsylvania and New York—the segment from Hancock, New York, to Matamoras, Pennsylvania.

(15) Allegheny, Pennsylvania—the segment from the Allegheny Reservoir at Kinzua, Pennsylvania, to Tionesta, Pennsylvania, and then from Franklin, Pennsylvania, to East Brady, Pensylvania.

(16) Clarion, Pennsylvania—the segment from where it enters the Allegheny River to Ridgway, Pennsylvania.

(17) West Branch Susquehanna, Pennsylvania—the segment of the West Branch Susquehanna from Clearfield, Pennsylvania, to Lock Haven, Pennsylvania.

RIVER BASIN PLANNING FOR ADDITIONS TO SYSTEM

(c) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential wild river areas, and all river basin and project plan reports submitted to the Congress shall discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and and investigations to determine which additional wild river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

OTHER ADDITIONS TO SYSTEM

(d) The Secretary of the Interior and the Secretary of Agriculture shall also submit to the President from time to time their recommendations for inclusion in the national wild rivers system of any other river or segment thereof. The President shall submit to the Congress his recommendations for such legislation as he deems appropriate.

(e) Recommendations made under this section shall be developed in consultation with the States, those Federal agencies which normally participate in the development of recreation plans and comprehensive river basin plans, any commissions established pursuant to interstate compacts the assigned responsibilities of which would be affected, and commissions or other bodies which may be established for the purpose of developing a comprehensive plan for the river basin within which the contemplated wild river area would be located. Each such recommendation shall be accompanied by (1) expressions of any views which the agencies and States consulted pursuant to the foregoing may submit within ninety days after having been notified of the proposed recommendation, (2) a statement setting forth the probable effect of the recommended action on any comprehensive river basin plan that may have been adopted by Congress or that is serving as a guide for coordinating Federal or Federal and State programs in the basin, and (3) in the absence of such plan, a statement indicating the probable effect of the recommended action on alternative beneficial uses of the resources of the basin.

(f) Whenever it is proposed to add a river or segment thereof to the national wild rivers system, and the river or segment runs through non-Federal land, recommendations with respect to its addition and with respect to whether it should be wholly or partly acquired, protected, and managed pursuant to exclusive State authority shall be made to the President by the Governor of each State concerned. Such recommendation to the President shall be accompanied by or based upon a general State plan which assures the effectuation of the purposes of this Act in perpetuity. The President shall submit to the Congress his recommendations with respect to the designation of such river or segment thereof as a part of the national wild rivers system and the administration of such area by State authority, together with such draft legislation that he deems appropriate.

NEED FOR LAND ACQUISITION

(g) Any recommendation for an addition to the national wild rivers systems shall indicate the extent to which land will need to be acquired by the State and by the Federal Government, and the extent to which the acquisition of scenic easements or other interests in land may be an adequate substitute for the acquisition of a fee title.

ADMINISTRATION OF SYSTEM

SEC. 4. (a) The Secretary of the Interior shall administer the wild river area designated by subsection 3(a), paragraph (4) and the Secretary of Agriculture shall administer the areas designated by paragraphs (2) and (5). The area designated by paragraphs (1), (3), (6), and (7) shall be administered in a manner agreed upon by the two Secretaries, or as directed by the President.

(b) Wild river areas designated by subsequent Acts of Congress shall be administered by the Secretary of the Interior, except that when the wild river area is wholly within, partly within, or closely adjacent to, a national forest such area shall be administered by the Secretary of Agriculture unless it is also partly within, or closely adjacent to, an area administered by the Secretary of the Interior, in which event the wild river area shall be administered in such manner as may be agreed upon by the Secretary of the Interior and the Secretary of Agriculture, or as directed by the President. The Secretary charged with the administration of a wild river area or portion thereof designated by this Act or by subsequent Acts may agree with the Governor of the State for State or local governmental agency participation in the administration of the area. The States shall be encouraged to cooperate in the planning and administration of such wild river areas where they include State-owned or county-owned lands. Any Federal land located within a wild river area may, with the consent of the head of the agency having jurisdiction thereof, be transferred to the jurisdiction of the appropriate Secretary or State for administration as part of the wild river area. Any land transferred hereunder to the jurisdiction of the Secretary of Agriculture for administration as part of a wild river area in connection with the national forest system shall become national forest land.

(c) Within the exterior boundaries of a wild river area as defined by section 3 of this Act, the Secretary of the Interior or the Secretary of Agriculture may acquire lands or interests therein by donation, purchase with donated or appropriated funds, exchange, or otherwise: *Provided,* That neither Secretary may acquire lands, waters, or interests therein by condemnation without the owner's consent when 50 per centum or more of the acreage or stream bank within the entire wild river area is owned by Federal, State, or local governmental agencies, but this limitation shall not apply to the acquisition of scenic easements. Lands owned by an Indian tribe may be acquired only with the consent of the tribal governing body. In the exercise of his exchange authority the Secretary of the Interior may accept title to any non-Federal property within a wild river area, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction within the State in which the river or segment thereof runs, except lands within the National Park System, the National Wildlife Refuge System, or revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands, which he classifies as suitable for exchange or other disposal. The properties so exchanged shall be of approximately equal fair market value. If they are not of approximately equal fair market value, the Secretary of the Interior may accept cash from, or pay cash to, the grantor in order to equalize the values of the properties exchanged. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands. Any such lands acquired by the Secretary of Agriculture within or adjacent to a national forest shall upon acquisition become national forest lands. Money appropriated for Federal or State purposes from the land and water conservation fund shall be available for the acquisition of property for the purposes of this Act. As used in this Act the term "scenic easement" means the right to control the use of land (including the air space above such land) for the purpose of protecting the scenic view from the river for the purposes of this Act, but such control shall not affect any regular use exercised prior to the acquisition of the easement.

(d) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any wild river area, if such lands are located within any incorporated city, village, or borough within such area, when such entities shall have in force and applicable to such lands a duly adopted, valid zoning ordinance that is satisfactory to the Secretary.

(e) Neither the Secretary of the Interior nor the Secretary of Agriculture may exercise any authority to acquire county-owned lands within any wild river area without the consent of said county as long as the county is following a plan for the management, zoning and protection of such lands that is satisfactory to the Secretary.

(f) Wherever the power of condemnation has been conferred by this Act, the Secretary of the Interior and the Secretary of Agriculture may acquire in fee title by condemnation an area which may not extend more than three hundred feet on either side of the stream, tributary, or river; and either Secretary may acquire by condemnation for scenic easements, or other interests in land other than fee title, an area which extends no more than one thousand three hundred and twenty feet from either side of the stream, tributary, or river.

(g) A wild river area shall be administered for the purposes of water conservation, scenic, fish, wildlife, and outdoor recreation values contributing to public enjoyment, but without limitation on other uses, including timber harvesting and livestock grazing, that do not substantially interfere with these purposes. The Secretary of the Interior, in administering such areas, may utilize such statutory authorities relating to areas of the national park system and such statutory authorities otherwise available to him for recreation and preservation purposes, and the conservation and management of natural resources, as he deems appropriate to carry out the purposes of this Act. The Secretary of Agriculture, in administering such areas, shall utilize the statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(h) No lands, waters or interests therein other than scenic easements may be administered under this Act as a part of the National Wild Rivers System if such lands, waters, or interests were acquired by a State under its power of condemnation for the specific purpose of making such lands, waters, or interests therein a part of the national wild rivers system under this Act.

SPECIAL PROVISIONS

SEC. 5. (a) The Federal Power Commission shall not authorize the construction, operation, or maintenance of any dam or other project work under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), in any wild river area except as specifically authorized by the Congress.

(b) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within the national wild rivers system, except that all mining claims located after the effective date of this Act shall be subject to such regulations as the Secretary of the Interior, or the Secretary of Agriculture in the case of national forest lands, may prescribe to effectuate the purposes of this Act. Any patent issued shall recite this limitation. All such regulations shall provide among other things for safeguards against pollution of the river.

(c) Any portion of a wild river area that is within the national wilderness preservation system, as established by the Act of September 3, 1964 (Public Law 88–577), shall be subject to the provisions of both the Wilderness Act and this Act with respect to the preservation of such a wild river area, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(d) The head of any Federal or State agency administering a wild river area shall cooperate with the Secretary of Health, Education, and Welfare, and with the appropriate State water pollution control agencies, for the purpose of eliminating or diminishing the pollution of waters within a wild river area.

(e) The jurisdiction of the States and the United States over waters of any stream included in a wild river area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the Wild Rivers System shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(f) Nothing in this Act shall affect the jurisdiction or responsibilities of the States under other provisions of law with respect to fish and wildlife.

(g) Nothing contained in this Act shall be construed to alter, amend, repeal, construe, interpret, modify or be in conflict with any interstate compact made by any States which contain any portion of the National Wild Rivers System.

(h) A State shall have such rights as may be necessary to assure adequate access by such State to the beds of navigable streams, tributaries, or rivers (or segments thereof) which are vested in the State, in case such beds are located in a wild river area.

(i) Designation of any stream or portion thereof shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.

(j) The jurisdiction of the States over waters of any stream included in a wild river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

SEC. 6. In recognition of the fact that changes may occur in the circumstances of wild river areas included in the National Wild Rivers System or in the needs for the resources associated with such areas, which will require future Congresses to make changes in the system, and in order to assure that the Congress is kept informed of such changes in circumstances or needs, there is created a National Wild Rivers Review Board, to make reviews and furnish reports to the Congress as hereinafter provided.

The National Wild Rivers Review Board shall consist of the Secretary of the Interior, who shall be its chairman, the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the Governors of the several States for the purpose of consideration of the status of any river included within the National Wild Rivers System which lies within their States.

Within sixty days after the convening of a new Congress, commencing with the second Congress after the enactment of this Act, the National Wild Rivers Review Board shall file a report and recommendations with the President of the Senate and with the Speaker of the House of Representatives. Such report shall contain a discussion of any significant developments since the date of enactment of the Act, or since the last report, including but not limited to the following subjects: Technology of passage of fish over dams; status and trends of anadromous fish runs; activities by way of construction or otherwise pursuant to international agreements relating to any basin in which wild rivers are designated; projected national, regional, or local demand for additional electrical generating capacity, particularly as related to existence or possibility of declarations of national emergency; and Federal or State legislative changes which affect the financing of river or reclamation development projects, including basin account authorizations relative to any basin in which wild rivers are designated. The National Wild Rivers Review Board is authorized and directed to conduct continuing comparative studies which would measure the balance of benefits and detriments of each wild river to the State in which it is located, and to report to Congress, as appropriate, recommendations to assure that, wherever it is found that the reclamation of arid land would better serve the public interest of such State, the same shall not be prejudiced by the wild rivers status of any stream.

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

JUDICIAL MACHINERY TO DEAL WITH MULTIDISTRICT LITIGATION

Mr. TYDINGS. Mr. President, during the last session of Congress I introduced a bill, designated as S. 3815, 89th Congress, second session, to deal with multidistrict litigation in Federal courts. My colleagues will recall that the problem involved arises when a multitude of cases sharing common questions of fact

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Issued July 28, 1967
For actions of July 27, 1967
90th-1st; No. 117

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HIGHLIGHTS: House Rules Committee cleared bill to prohibit long-staple cotton imports from certain countries. Senate committee voted to report foreign aid bill.

HOUSE

1. COTTON IMPORTS. The Rules Committee reported a resolution for consideration of H. R. 10915, to prohibit long-staple cotton imports from certain countries (now UAR and Sudan). p. H9592

2. TAXATION. Received the conference report on H. R. 6098, to provide for extension of the interest equalization tax (H. Rept. 518). pp. H9505-7

3. BALANCE OF PAYMENTS. Passed, 308-66, without amendment H. R. 8630, to extend the authority for exemptions from the antitrust laws to assist in safeguarding the balance-of-payments position of the U. S. pp. H9509-20

4. CENSUS. The Rules Committee reported a resolution for consideration of H. R. 7659, to provide for a mid-decade census of population, unemployment, and housing in 1975 and every 10 years thereafter. p. H9592

5. MILITARY CONSTRUCTION. The Rules Committee reported a resolution for consideration of H. R. 11722, to authorize certain construction at military installations. p. H9592

6. VIRGIN ISLANDS. Received from the Comptroller General an audit report on the Virgin Islands Corporation (H. Doc. 149). p. H9592

7. APPROPRIATIONS. Chairman Mahon of the Appropriations Committee reviewed actions on the Budget so far this session and the current status of appropriation bills. pp. H9521-4

8. EDUCATION. Rep. Talcott spoke in favor of a program of education for children of migratory workers. p. H9531

9. MINK IMPORTS. Rep. Laird spoke in favor of limiting mink imports. pp. H9543-5

10. RECREATION. Rep. Taylor inserted Rep. Aspinall's statement, "Parks and People: Past, Present, and Future." pp. H9575-6

11. RURAL-URBAN DAY. Rep. Hamilton reviewed and commended Rural-Urban Day in his Ind. district. pp. H9579-83

12. LEGISLATIVE PROGRAM. Rep. Albert announced next week's legislative program: Mon., interest equalization tax bill; Tues., Private Calendar and military construction; balance of week, law enforcement and census bills. p. H9520

13. ADJOURNED until Mon., July 31. p. H9592

SENATE

14. MEAT IMPORTS. Sen. Miller urged restrictions on meat imports and inserted an article, "The Cattlemen Have A Case." pp. S10320-1

15. FOREIGN AID. The Foreign Relations ordered favorably reported (but did not actually report) with amendments S. 1872, the foreign aid bill, which would authorize $2,725,496,500 as compared to the $3,462,305,000 authorization requested. pp. D647-8

16. FLAMMABLE FABRICS. Passed as reported S. 1003, to amend the Flammable Fabrics Act to increase the protection afforded consumers against injurious flammable fabrics. pp. S10271-6

17. WILD RIVERS. The Interior and Insular Affairs Committee ordered reported (but did not actually report) with amendments S. 119, to reserve certain public lands for a National Wild Rivers System. p. D648

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued August 7, 1967
For actions of August 4, 1967
90th-1st; No. 122

CONTENTS

HIGHLIGHTS: Senate passed bills to prohibit unfair trade practices affecting cooperatives, make newly acquired farms eligible for cropland adjustment program, and continue dairy indemnity payments. House subcommittee approved meat inspection bill. Senate committee reported wild rivers bill. Sen. McCarthy introduced and discussed food reserve bill. Sen. Proxmire introduced and discussed bill to provide mortgage insurance for recreational development.

HOUSE

1. MEAT INSPECTION. A subcommittee of the Agriculture Committee approved for full committee action H. R. 6168, amended, to clarify and otherwise amend the Meat Inspection Act, to provide for cooperation with appropriate State agencies with respect to State meat inspection programs. The "Daily Digest" states that a clean bill will be introduced. p. D683

2. COOPERATIVES; CROPLAND ADJUSTMENT; DAIRY INDUSTRY. Passed as reported S. 109, to control unfair trade practices affecting producers of agricultural products and associations of such producers (pp. S10865-7); without amendment S. 2126, to make newly acquired farms eligible for the cropland adjustment program under certain circumstances (pp. S10867); and as reported S. 1657, to extend for one year the indemnity payments to dairy farmers who are directed to remove their milk from markets because it contains certain chemical residues (pp. S10867-8).

3. WILD RIVERS. The Interior and Insular Affairs Committee reported, on Aug. 4, during adjournment, with amendments S. 119, to reserve certain public lands for a National Wild Rivers System, and to provide a procedure for adding additional public lands and other lands to the system (S. Rept. 491). p. S10874

4. FARM LOANS. Passed as reported S. 1550, to amend the Consolidated Farmers Home Administration Act to provide for release of valueless liens. p. S10872

5. APPROPRIATIONS. The Appropriations Committee reported with amendments H. R. 10738, the defense appropriation bill (S. Rept. 494). p. S10874

6. PERSONNEL. Passed as reported H. R. 5876, to amend the U. S. Code relative to codifying, repealing, and amending numerous personnel laws. pp. S10869-70
Sen. Williams, N. J., commended and inserted an address by Sen. Mondale, "Retirement and the Individual." pp. S10907-9

7. TAXATION; ECONOMY. Sen. Proxmire disagreed with the President's tax proposal and stated "there is no economic case for a tax increase now." pp. S10899-900
Sen. Hartke criticized the President's tax proposal as being "unwarranted and unjustified at this time." pp. S10950-2

8. POVERTY. Sens. Yarborough and Harris inserted articles which state that Dr. Billy Graham supports the poverty program. pp. S10902-3
Sen. Harris inserted an article describing the "success" of the poverty program. pp. S10906-7
Sen. Hickenlooper inserted an article, "Poverty Warriors: The Riots Are Subsidized as Well as Organized." pp. S10933-4

9. RECLAMATION. Continued debate on S. 1004, to authorize the construction, operation, and maintenance of the central Arizona project, Arizona-New Mexico. pp. S10916-32, S10934-44

10. COSPONSORS. Cosponsors were added to S. 2116, to establish a commission to study the organization of the executive branch; S. 1726, to amend the Antidumping Act; and S. 1796, to impose quotas on the importation of certain textile articles. p. S10882

11. RECREATION. Sen. Moss spoke in support of his bills to establish the Canyonlands National Park and to authorize a survey of roads and rourist accomodations to expand the recreational resources of the golden circle and the four corners areas and inserted a supporting article. pp. S10884-6

Calendar No. 476

90th Congress, 1st Session | SENATE | Report No. 491

NATIONAL WILD AND SCENIC RIVERS SYSTEM

August 4, 1967.—Ordered to be printed
Filed under authority of the order of the Senate of August 3, 1967

Mr. Church, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany S. 119]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 119) to reserve certain public lands for a National Wild Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and or other purposes, having considered the same, reports favorably thereon with amendment(s) and recommends that the bill as amended do pass.

Purpose

This bill, S. 119, will establish a National Wild and Scenic Rivers System and thereby preserve and protect some of America's unspoiled and free-flowing streams, or their segments, that symbolize this vanishing heritage of our original landscape.

Need

Many of our remaining free-flowing rivers are under threat of dams, pollution, and other destructive assault. If some of them are to be saved or restored to their natural state, legislative action is urgent. That is the objective of S. 119, which sets out in its statement of policy the need to balance the national policy of dam building with a policy of preserving selected rivers or sections thereof that possess unique conservation, scenic, fish, wildlife, and outdoor recreation values. The bill prohibits the Federal Power Commission from licensing the construction of dams on a wild or scenic river except where such action might be specifically authorized by Congress.

85-010—67——1

It also establishes a moratorium on licensing dams during a 5-year period on certain rivers listed for study as possible future inclusions in the National Wild and Scenic Rivers System.

Background

In 1962 the Outdoor Recreation Resources Review Commission, a bipartisan Commission established by the Congress to evaluate the outdoor recreation needs of the nation, recommended that:

> Certain rivers of unusual scientific, esthetic, and recreational value should be allowed to remain in their free-flowing state and natural setting without manmade alterations.

The Secretary of the Interior and the Secretary of Agriculture, in 1963, initiated a "Wild Rivers Study." Their objective was to investigate further the need for conservation of a nationwide system of wild rivers, to develop and establish suitable criteria and methods for evaluating particular rivers or segments thereof, and to identify those rivers or streams having "wild river" qualities to an outstanding degree.

From more than 650 rivers, 67 were selected for preliminary field reconnaissance by special study teams. Based on this reconnaissance study, segments of 17 rivers and a number of their tributary streams were then selected for more detailed investigation. This detailed study was completed in 1964 and served as a basis for the recommendations contained in the initial wild rivers proposal.

The President, in his natural beauty message to the Congress, called for wild rivers preservation. He expressed the view that the time has come to identify and preserve free-flowing stretches of our great scenic rivers before growth and development make the beauty of the unspoiled waterway only a memory.

On this foundation of study and interest, Senator Church, for himself and 28 other Senators, submitted the wild rivers proposal to the Congress on March 3, 1965. It became S. 1446, 89th Congress.

Hearings by the full Interior and Insular Affairs Committee were conducted April 22 and 23, and a special task force of the committee conducted field hearings at Green River, Wyo., May 17, and at Boise, Idaho, May 18.

On September 15, the committee voted to favorably report the bill, with minority views (S. Rept. 792, to accompany S. 1446, 89th Cong.).

On January 19, 1966, the Senate passed the bill, with amendments, by a vote of 71 to 1.

However, the bill was not acted upon in the House prior to adjournment of the 89th Congress, and Senator Church reintroduced the measure as S. 119 on January 11, 1967, with 38 cosponsors.

Hearings were conducted on S. 119 and S. 1092, the administration bill to provide for a national system of scenic rivers, April 13 and 14. Following an executive session on July 26 that adopted an amendment in the nature of a substitute which included some of the provisions in the administration bill, S. 1092, the committee voted to favorably report the bill, S. 119, to establish a National Wild and Scenic Rivers System.

Amendments

The scope of the original bill which passed the Senate last year has been expanded to recognize and define two types of rivers, namely,

"wild" and "scenic" rivers. The definition of a wild river area was revised and the definition of a scenic river was added. Recognition of these two types of rivers means that the national system will be made up of both wild river areas and scenic river areas.

The Eleven Point River in Missouri was considered in last years' bill to be a wild river but in this measure is classified as a national scenic river. Recommended for immediate inclusion in the new national system is the St. Croix River in Wisconsin and Minnesota. A bill to create the St. Croix National Scenic Riverway passed the Senate in the last session, but because that river contains segments which fit the definitions of both wild and scenic river areas, it was decided to add it to this bill. The Illinois River in Oregon and the Wolf River in Wisconsin are new additions to the group of rivers recommended for immediate inclusion in the national system. Several new rivers are listed for study as to possible inclusion in the national system at a later date.

Provisions for planning new additions to the system were expanded to require local public hearings on any addition to the system and to allow the State legislatures to make their recommendations known if they so desire.

Provisions were added to encourage the development of State and local wild and scenic rivers and to protect the owners of improved property which may be acquired.

Therefore, in order to simplify consideration, the committee amended the bill by striking out all after the enacting clause and inserting the agreed upon language in the nature of a substitute.

Rivers in System

A national wild river area, as defined by S. 119, is one located in a sparsely populated, natural, and rugged environment where the river is free flowing and unpolluted, or where the river should be restored to such condition, in order to promote sound water conservation, and promote the public use and enjoyment of the scenic, fish, wildlife, and outdoor recreation values.

Rivers or segments of rivers which would be designated as wild river areas for the initial system are the Middle Fork of the Salmon and the Middle Fork of the Clearwater in Idaho, the Rogue and Illinois in Oregon, the Rio Grande in New Mexico, the St. Croix in Minnesota and Wisconsin, and the Wolf in Wisconsin.

Some of these same rivers have segments which are also designated as scenic river areas, including the Rogue and Illinois in Oregon, and the St. Croix in Minnesota and Wisconsin. Other national scenic river areas would be on the Eleven Point in Missouri and the Namekagon in Wisconsin.

A national scenic river area as defined by the bill is a river area that is unpolluted and which should be left in its pastoral or scenic attractiveness, or that should be restored to such condition, in order to protect, develop, and make accessible its significant national outdoor recreational resources for public use and enjoyment.

Twenty-seven rivers or river segments are listed for study for possible future inclusion in the bill.

By agreement between the two Senators from Idaho, Mr. Church and Mr. Jordan, the main section of the Salmon in Idaho, from the

town of North Fork to its confluence with the Snake River, was placed in this list of rivers for study for possible future inclusion. The Middle Fork of the Salmon and the Middle Fork of the Clearwater (including its tributaries, the Lochsa and the Selway) remain, however, in the initial system as national wild river areas.

At the request of the two Senators from Wyoming, Mr. McGee and Mr. Hansen, the Green River in Wyoming was removed from the group of rivers for study.

The Jackson County (Oregon) Chapter of the Izaak Walton League recommended the inclusion of the Illinois, a tributary of the Rogue River in Oregon, for inclusion in the initial system as a result of a series of public meetings in the Rogue River Basin. The segmentation of the Rogue and Illinois into specific "wild" and "scenic" areas also follows the chapter's recommendations.

Administration

Administration of the rivers in the system would be by either the Secretary of Interior or Agriculture, or the Secretaries jointly, based upon their administrative areas; or jointly with the States, or States and local governmental agencies, or by the States or local governmental agencies, exclusively. States would be encouraged to cooperate in the planning and administration of such areas where they include State-owned or county-owned lands. The Secretary of Interior is directed to provide technical assistance and advice and to cooperate with States, interstate agencies, political subdivisions, and nonprofit private organizations with respect to establishing wild and scenic river areas.

The bill has been referred to as an extension or corollary of the Wilderness Act, but its provisions are not nearly as restrictive. A national wild or scenic river area will be administered for its esthetic, scenic, historic, fish and wildlife, archeologic, scientific, and recreational features, based on the special attributes of the area. However, it will not prohibit the construction of roads or bridges, timber harvesting and livestock grazing, and other uses that do not substantially interfere with public use and enjoyment of these values. Mining will be allowed to continue, although claims located after the effective date of the act may be subject to regulation to conform to the system, particularly to prevent pollution.

Also, it is the legislative intent that nothing in this act shall interfere with or diminish the authority and right of State and local governmental entities to call upon and obtain the aid of Federal and other agencies in emergencies, such as, for example, floods or forest fires, in any national wild or scenic river area.

Condemnation

Subsection 5(d) places a limitation on condemnation, by providing that where 50 percent or more of the acreage within the entire national wild or scenic river area is owned by Federal, State, or local governments, neither Secretary can condemn for acquisition of fee title but may condemn for scenic easements. The committee approved this limitation because it believed that rivers flowing through this amount of public land could amply provide bank-land areas for public access and facilities without the need for the fee acquisition of property. In

adopting this limitation, the committee wishes to stress that it is peculiar to the problems of the National Wild and Scenic Rivers System and should not be regarded as a precedent limiting condemnation in other cases where areas may be dedicated to public use and benefit.

Under subsection 5(d) wherever the power of condemnation is conferred, the Secretaries are limited to acquiring a maximum of 100 acres per mile on both sides of the stream, tributary, or river, in fee title. Section 5(a) sets the maximum acreage for boundaries of a national wild and scenic river area at 320 acres per mile on both sides of the stream, tributary, or river.

Subsection 5(f) provides that neither Secretary can condemn lands within any incorporated city, village, or borough as long as such entities have in force a duly, adopted valid zoning ordinance that is satisfactory to the appropriate Secretary.

It is the intention of the committee that both Secretaries shall encourage local units of government to adopt zoning ordinances which are consistent with the purposes of this act and that where such valid zoning ordinances are in effect and where there is no need for further Federal acquisition that the appropriate Secretary will suspend acquisition of scenic easements and fee title. For example, it is intended that in that section of the St. Croix River described in section 3(b)(1) that acquisition will be limited to less than 1,000 acres to be used as access points and that the remainder of that segment will be primarily controlled by local zoning ordinances.

Water Rights

The language contained in subsection 6(f) is intended by the committee to preserve the status quo with respect to the law of water rights. No change is intended. The first sentence states that established principles of law will determine the Federal and State jurisdiction over the waters of a stream that is included in a wild river area. Those established principles of law are not modified. The third sentence states that with respect to possible exemption of the Federal Government from State water laws the act is neither a claim nor a denial of exemption. Any issue relating to exemption will be determined by established principles of law as provided in the first sentence. The second sentence would apply to this legislation the principle of compensation embraced by section 8 of the Reclamation Act of June 17, 1902 (32 Stat. 388, 390, found in 43 U.S.C. 383). This means that the Government must pay just compensation for a water right taken for wild river purposes if the water right is a vested property right under established principles of State or Federal law. See *U.S.* v. *Gerlach* (339 U.S.725).

Subsection 6(j) makes it clear that designation of a stream or its portion thereof is not to be considered a reservation of unappropriated waters other than for the purposes of this act—and in no greater quantities than are necessary for those purposes.

It should be made clear that it is the intention of the committee that the Federal Government may reserve only such unappropriated waters as may be required for the purposes specified in this act. The establishment of a National Wild and Scenic Rivers System is not intended to affect or impair any prior valid water right vested under State or Federal law.

Balanced Development

In its selection of rivers to be included in the initial system of wild and scenic rivers, and in the study group of rivers for possible later inclusion in the system—with a 5-year moratorium on the licensing of dams on the latter—the committee is cognizant that there are many other rivers throughout the United States which may qualify for the system. The bill establishes procedures by which these may be added.

The committee did not review all the rivers of the United States in acting upon this bill. However, the committee did give particular attention to the middle Snake River watershed in Idaho and Oregon. The Middle Fork of the Clearwater and the Middle Fork of the Salmon, both part of the watershed, will become initial streams in the National Wild and Scenic Rivers System established by S. 119. The main Salmon River will be studied for possible future inclusion in the system.

The Middle Fork of the Snake, also an area of great beauty, contains the location of the proposed High Mountain Sheep Dam just above the confluence of the Snake and the Salmon. This is the last undeveloped site on the Snake River for a great storage dam. The committee took cognizance of this fact in not considering inclusion of the Middle Fork of the Snake in the National Wild and Scenic Rivers System. The committee believes that exclusion of this portion of the Snake River watershed is in keeping with a balanced natural resource program.

Cost

Total cost of land acquisition and development of the National Wild and Scenic Rivers System over the next 10 years has been estimated to be $40 million, based on the initial rivers in the system.

Future Basin Planning

In view of the congressional policy to protect wild and scenic river values throughout the Nation, the bill requires all Federal agencies that are engaged in water resources planning to include in their planning reports a discussion of any potential wild or scenic river areas that may be involved. In addition to this general requirement, the planning agencies are required to consider wild and scenic river values as a potential alternative use when making plans on rivers designated by the Secretaries of Interior or Agriculture. These requirements will assure proper consideration of potential wild and scenic river values during the planning process.

Committee Position

The committee believes there is urgent need to establish a National Wild and Scenic Rivers System now, and strongly recommends the approval of S.119 as reported to the Senate.

Executive Agency Reports

The executive communication from the Assistant Secretary of the Department of Interior in submitting and recommending the administration's scenic river bill to the Congress, together with com-

ment on this and on S. 119, the wild rivers bill, by the Secretary of Interior, the Secretary of Agriculture, and the Bureau of the Budget, are set forth below.

U.S. DEPARTMENT OF THE INTERIOR.
OFFICE OF THE SECRETARY,
Washington, D.C., February 18, 1967.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The President, in his January 30, 1967, message to the Congress on protecting our natural heritage renewed his recommendation for legislation to establish a nationwide system of scenic rivers similar to legislation the Department submitted to the 89th Congress. The need to act in order to preserve portions of our free-flowing rivers for the benefit of the American people is urgent. Unless we act promptly, growth and development will soon make the beauty of the unspoiled stretches of our scenic waterways merely a memory.

While riverflows have been harnessed to aid navigation, control floods, increase farm productivity, and hydroelectric power, too little attention has been given to the importance of protecting the very water we drink and the values of fish and wildlife, scenic, and outdoor recreation resources. These values, although often measureless in commercial terms, should be preserved by a program that will guarantee America her heritage of unspoiled, unpolluted, free-flowing rivers. Our belief is shared by a wide range of public and private authorities, and the time to act is now, before it is too late.

In 1962, the Outdoor Recreation Resources Review Commission endorsed efforts to preserve certain rivers because of unique natural values they provide. Also in 1962, the President upon recommendation of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, and the Secretary of Health, Education, and Welfare, approved for application by them and by the Bureau of the Budget a policy statement concerning the use and development of water and related land resources. This policy statement provides, among other things, that in particular instances wild areas of rivers should be maintained and used for recreational purposes.

In 1963, this Department and the Department of Agriculture initiated a coordinated, broad-scale study of the need to preserve a nationwide system of scenic or wild rivers. This study revealed that of a total of approximately 100,000 miles of rivers and tributaries in the United States averaging a flow of at least 550 cubic feet per second, only a few of the rivers could still be classified as relatively unspoiled. In a strict sense, a pristine river is a rare thing today in the United States. There are, however, many free-flowing rivers, or segments thereof, which still retain enough of their original character to provide the distinctive type of enjoyment and inspiration that increasing numbers of people are seeking. The sheer natural beauty of such river areas is a source of physical and spiritual refreshment.

The enclosed bill, which would establish a nationwide system of scenic rivers, is similar to the proposal which the Department submitted to the 89th Congress. We urge that it receive early considera-

tion. A detailed analysis of its provisions is set forth in an enclosure to this report.

Pertinent data with respect to the initial nine areas included by this bill in the system are enclosed.

The proposed legislation has been prepared in collaboration with the Secretary of Agriculture and has his approval.

The Bureau of the Budget has advised that this proposed legislation is in accord with the program of the President.

Sincerely yours,

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

A BILL To reserve certain public lands and other lands for a Nationwide System of Scenic Rivers, to provide a procedure for adding additional lands to the system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE

SEC. 1. This Act may be cited as the "Scenic Rivers Act".

STATEMENT OF POLICY

SEC. 2. The Congress finds that some of the free-flowing rivers of the United States and related adjacent land areas possess outstanding scenic, fish, wildlife, and outdoor recreation values of present and potential benefit to the American people. The Congress also finds that our established national policy of dam and other construction on appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their natural and free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes. It is the policy of Congress that selected parts of the Nation's diminishing resource of free-flowing rivers, and their related adjacent lands should be preserved, reclaimed, and appropriately developed for the benefit of all the American people. For this purpose there is hereby established a Nationwide System of Scenic Rivers to be composed of (a) the areas designated by this Act or subsequent Acts as "national scenic river areas", and (b) the State and local scenic river areas designated by the Secretary of the Interior as part of the System. Areas designated as "national scenic river areas" by subsequent Acts of Congress shall be administered in accordance with the provisions of this Act unless the subsequent Acts provide otherwise.

DEFINITION OF NATIONAL SCENIC RIVER AREA

SEC. 3. A national scenic river area eligible to be included in the System is a stream or any section of a stream, tributary, or river—and the related adjacent land area—that possesses outstanding scenic, fish, wildlife, and outdoor recreation values, that is essentially free-flowing and unpolluted, and that should be preserved in such condition, or restored thereto, in order to promote public use and enjoyment.

NATIONAL SCENIC RIVER AREAS

SEC. 4. (a) The following rivers, or segments thereof, and related adjacent lands are hereby designated as "national scenic river areas":

(1) Salmon, Idaho: the segment from the town of North Fork downstream to the town of Riggins, and the entire Middle Fork.

(2) Clearwater, Middle Fork, Idaho: the Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway River at Lowell, forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin.

(3) Rogue, Oregon: the segment from the Route 101 highway bridge above Gold Beach upstream to the Applegate River.

(4) Rio Grande, New Mexico: the segment from the State Highway 96 crossing upstream to the Colorado State line, and the lower four miles of the Red River.

(5) Eleven Point, Arkansas and Missouri: the segment from its confluence with the Black River in Arkansas upstream to Thomasville in Missouri.

(6) Cacapon, West Virginia: the Cacapon from its mouth to its source, the entire Lost River, and the North River upstream to the U.S. 50 highway bridge.

(7) Shenandoah, West Virginia: the segment of the river located in the State of West Virginia.

(8) Saint Croix, Minnesota and Wisconsin: the segment beginning at St. Croix Falls and extending upstream to the dam near Gordon, Wisconsin, and its Namekagon tributary.

(9) Wolf, Wisconsin: the segment beginning at Keshena Falls and extending upstream to the Langlade-Menominee County line.

(b) The Secretary of the Interior shall administer the national scenic river areas designated by subsection (a) of this section, paragraphs (4), (8), and (9), and the Secretary of Agriculture shall administer the areas designated by paragraphs (2) and (5), except that lands under the administrative jurisdiction of another Federal agency that are included in any such area shall be administered in such manner as may be agreed upon by the appropriate Secretary and the head of that agency, or as directed by the President. The areas designated by paragraphs (1), (3), (6), and (7) shall be administered in a manner agreed upon by the two Secretaries, or as directed by the President. The Secretary charged with the administration of each national scenic river area or portion thereof shall establish detailed boundaries for such area as soon as practicable after the date of enactment of this act. Such boundaries may be revised from time to time, but may not include on both sides of the stream, tributary, or river a total of more than 320 acres per mile. The appropriate Secretary shall publish notice of such detailed boundaries in the Federal Register, together with appropriate descriptions.

(c) Within the exterior boundaries of a national scenic river area as established pursuant to subsection (a) of this section, the Secretary of the Interior or the Secretary of Agriculture may acquire lands or interests therein by donation, purchase with donated or appropriated funds, or exchange: *Provided*, That on both sides of the stream,

tributary, or river a total of not more than 100 acres per mile may be acquired in fee under authority of this Act, except that the appropriate Secretary may acquire in fee such additional acreage per mile as he determines is needed (1) to provide public use facilities and public access, or (2) to acquire the portion of any individual tract of land which lies outside of the boundaries of a national scenic river area, with the consent of the owner, in order to avoid the payment of severance costs. Land acquired outside of the boundaries of a national scenic river area under authority of this subsection may be exchanged by the appropriate Secretary for any non-Federal property within such boundaries. Lands owned by a State may be acquired only with the consent of the owner. Lands owned by an Indian tribe may be acquired only with the consent of the tribal governing body. Lands acquired by the Secretary of Agriculture within or adjacent to a national forest shall upon acquisition become national forest lands. Money appropriated for Federal purposes from the Land and Water Conservation Fund shall be available for the acquisition of property for the purposes of this Act.

(d) In the exercise of his exchange authority, the Secretary of the Interior may accept title to any non-Federal property within a national scenic river area, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction within the States in which the national scenic river area is located which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or, if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(e) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire by condemnation proceedings lands within any national scenic river area that are located in an incorporated city, village, or borough as long as such entities shall have in force and applicable to such lands a duly adopted, valid enforced zoning ordinance that is satisfactory to the appropriate Secretary.

(f) Neither the Secretary of the Interior nor the Secretary of Agriculture may exercise any authority to acquire county-owned lands within any national scenic river area, without the consent of the county, as long as the county is following a plan for the management and protection of such lands that is satisfactory to the appropriate Secretary.

ADMINISTRATION OF NATIONAL SCENIC RIVER AREAS

SEC. 5. (a) A national scenic river area shall be administered for the purposes of protecting its outstanding scenic, fish, wildlife, and outdoor recreation values, or restoring such values to the area, for public use and enjoyment, but without limitation on other uses that do not substantially interfere with these purposes. The Secretary of the Interior or the Secretary of Agriculture shall give primary management emphasis to protecting the aesthetic and scenic features of such areas. The appropriate Secretary may, in developing manage-

ment plans, establish for a national scenic river area, or portion thereof, varying intensities of protection or development, based on the special attributes of the river. The Secretary of the Interior, in administering such areas, may utilize such statutory authorities relating to areas of the National Park System and such statutory authorities otherwise available to him for recreation and preservation purposes, and the conservation and management of natural resources, as he deems appropriate to carry out the purposes of this Act. The Secretary of Agriculture, in administering such areas, shall utilize the statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(b) The Secretary charged with the administration of a national scenic river area or portion thereof may enter into written cooperative agreements with the Governor of a State or appropriate local official for State or local governmental agency participation in the administration of the area. The States shall be encouraged to cooperate in the planning and administration of a national scenic river area where it includes State-owned or county-owned lands. Any Federal land located within a national scenic river area may, with the consent of the head of the agency having jurisdiction thereof, be transferred to the jurisdiction of the appropriate Secretary for administration as part of the area. Any land transferred hereunder to the jurisdiction of the Secretary of Agriculture for administration as part of a national scenic river area in connection with the National Forest System shall become national forest land.

SPECIAL PROVISIONS

SEC. 6. (a) Except as specifically authorized by the Congress, the Federal Power Commission shall not authorize the construction, operation, or maintenance of any new dam or any project work unrelated to an existing project under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), in any national scenic river area established pursuant to sections 4 and 7 of this Act.

(b) Nothing in this Act shall affect the applicability of the United States mining laws and all laws pertaining to mineral leasing within national scenic river areas, except that all prospecting and mining operations, and all other activities on mining claims located after the effective date of this Act, and all mining operations and other activities under a mineral lease, permit, or license issued after the effective date of this Act shall be subject to such regulations as the Secretary of the Interior, or the Secretary of Agriculture in the case of national forest lands, may prescribe to effectuate the purposes of this Act. All such regulations shall provide, among other things, for safeguards against pollution of the stream, tributary, or river. After the effective date of this Act, subject to valid existing rights, all patents issued under the United States mining laws affecting lands within national scenic river areas shall convey title only to the mineral deposits within the claim, together with the right to use so much of the surface and surface resources as are reasonably required for carrying on mining or prospecting operations and uses reasonably incident thereto, subject to the regulations prescribed by the appropriate Secretary to effectuate the purposes of this Act, and each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the lands or the products thereof

not required for carrying on activities reasonably incident to mining or prospecting shall be allowed. Mining claims located after the effective date of this Act within national scenic river areas shall create no rights in excess of those rights which may be patented under the provisions of this subsection.

(c) Any portion of a national scenic river area that is within the National Wilderness Preservation System, as established by the Act of September 3, 1964 (78 Stat. 890), shall be subject to the provisions of both the Wilderness Act and this Act with respect to the preservation of such national scenic river area, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(d) Any portion of a national scenic river area that is administered by the Secretary of the Interior through the National Park Service shall become a part of the National Park System, and any such portion administered by the Secretary of the Interior through the Fish and Wildlife Service shall become a part of the National Wildlife Refuge System. Such lands shall be subject to the provisions of this Act and the Acts under which the respective system is administered, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(e) The head of any Federal or State agency administering a national scenic river area shall cooperate with the Secretary of the Interior, and with the appropriate State water pollution control agencies, for the purpose of eliminating or diminishing the pollution of waters within a national scenic river area.

(f) The designation of any stream or portion thereof as a national scenic river area in accordance with the provisions of this Act shall have the effect of reserving, subject to rights vested under either State or Federal law at the time of such designation which are compensable under the next following sentence, the waters of such stream for the purposes of this Act, but in quantities no greater than necessary to accomplish such purposes. Any taking by the United States, under the provisions of this Act, of a water right that is vested under State or Federal law, that is beneficially used at the time a national scenic river area is established, and that prior to the date of this Act would have been compensable if taken or interfered with by the United States for purposes not related to the exercise of the commerce power, shall entitle the owner of such right to just compensation.

(g) Nothing in this Act shall affect the jurisdiction or responsibilities of the States under other provisions of law with respect to fish and wildlife.

PLANNING FOR ADDITIONAL NATIONAL SCENIC RIVER AREAS

SEC. 7. (a) The Secretary of the Interior, and the Secretary of Agriculture where national forest lands are involved, after consultation with interested Federal agencies, are directed to consult with the Governors and officials of the States in which the rivers listed below are located to ascertain whether a joint Federal-State plan is feasible and desirable in the public interest to conserve segments of these rivers. They shall submit to the President their recommendations for or against designation of any or all of them as national scenic river areas, and the President shall submit to the Congress such recommendations, including draft legislation, as he deems appropriate.

Recommendations with respect to not less than one-half of such rivers shall be submitted to the President within five years after the date of enactment of this Act, and the recommendations with respect to the remaining rivers shall be submitted to the President within ten years after the date of enactment of this Act:

(1) Animas, Colorado.
(2) Big Fork, Minnesota.
(3) Big Hole, Montana.
(4) Buffalo, Tennessee.
(5) Chattooga, North Carolina, South Carolina, and Georgia.
(6) Delaware, New York, and Pennsylvania.
(7) Deschutes, Oregon.
(8) Feather, California.
(9) Flathead, Montana.
(10) Gasconade, Missouri.
(11) Gila, New Mexico.
(12) Green, Wyoming.
(13) Gros Ventre, Wyoming.
(14) Guadalupe, Texas.
(15) Klamath, California.
(16) Madison, Montana.
(17) Manistee, Michigan.
(18) Mullica, New Jersey.
(19) Niobrara, Nebraska.
(20) Penobscot, East and West Branches, Maine.
(21) Pere Marquette, Michigan.
(22) Pine Creek, Pennsylvania.
(23) Potomac, South Branch, West Virginia.
(24) Salmon, Idaho: the segment from the town of Riggins downstream to its confluence with the Snake River.
(25) Salt, Arizona.
(26) Shenandoah, Virginia.
(27) Skagit, Washington.
(28) Snake, North Fork, Idaho.
(29) Susquehanna, New York and Pennsylvania.
(30) Suwannee, Georgia and Florida.
(31) Upper Iowa, Iowa.
(32) Wacissa, Florida.
(33) White, Colorado.
(34) Wind, Wyoming.
(35) Yellowstone, Montana.

(b) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national scenic river areas, and all river basin and project plan reports submitted to the Congress shall discuss any such potentials, The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional areas within the United States shall be evaluated in planning reports as potential national scenic river areas.

(c) The Secretary of the Interior, and the Secretary of Agriculture where national forest lands are involved, shall also submit to the President from time to time their recommendations for designation of any other river or segment thereof as a national scenic river area.

The President shall submit to the Congress such recommendations including draft legislation, as he deems appropriate.

(d) Recommendations submitted to the President under this section shall be developed in consultation with the States, those Federal agencies which normally participate in the development of recreation plans and comprehensive river basin plans, any commissions established pursuant to interstate compacts the assigned responsibilities of which would be affected, and commissions or other bodies which may be established for the purpose of developing a comprehensive plan for the river basin within which the contemplated national scenic river area would be located. Each such recommendation shall be accompanied by (1) expressions of any views which the agencies and States consulted pursuant to the foregoing may submit within ninety days after having been notified of the proposed recommendation, (2) a statement setting forth the probable effect of the recommended action on any comprehensive river basin plan that may have been adopted by Congress or that is serving as a guide for coordinating Federal or Federal and State programs in the basin, and (3) in the absence of such plan, a statement indicating the probable effect of the recommended action on alternative beneficial uses of the resources of the basin.

(e) Whenever it is proposed to designate a river or segment thereof as a national scenic river area, and the river or segment runs through predominantly non-Federal land, the appropriate Secretary shall include in his recommendations to the President the views of the Governor of each State concerned with respect to its addition, and with respect to whether it should be wholly or partly acquired, protected, and managed pursuant to exclusive State authority. The views of the Governor shall be accompanied by or based upon a general State plan which assures the effectuation of the purposes of this Act in perpetuity. The President shall include in his recommendations to the Congress, with respect to the designation of such river or segment thereof as a national scenic river area, specific recommendations on the administration of such area by State authority.

(f) Any recommendation for designation of an area as a national scenic river area shall indicate the extent to which land will need to be acquired by the State and by the Federal Government, and the extent to which the acquisition of scenic easements or other interests in land may be used in lieu of acquisition of a fee title.

ADMINISTRATION OF ADDITIONAL NATIONAL SCENIC RIVER AREAS

SEC. 8. National scenic river areas designated by subsequent Acts of Congress shall be administered by the Secretary of the Interior, except that when the national scenic river area is wholly within, partly within, or closely adjacent to, a national forest such area shall be administered by the Secretary of Agriculture unless it is also partly within, or closely adjacent to, an area administered by the Secretary of the Interior, in which event the national scenic river area shall be administered in such manner as agreed upon by the Secretary of the Interior and the Secretary of Agriculture, or as directed by the President.

STATE AND LOCAL SCENIC RIVERS

SEC. 9. (a) The Secretary of the Interior is directed to encourage and assist States to consider, in their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local scenic river areas. He is further directed, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), to provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such scenic river areas.

(b) The Secretary of Agriculture is directed in accordance with the authority vested in him to assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such scenic river areas.

(c) Upon application of the Governor of the State for the designation of the Allagash Wilderness Waterway in Maine or the segment of the Wolf River in Langlade County, Wisconsin, as part of the Nationwide System of Scenic Rivers, the Secretary of the Interior may make such designation if the State or local agency administering the area agrees to manage and protect it in a manner satisfactory to the Secretary. Such designation shall preclude the Federal Power Commission from authorizing within such areas the construction, operation, or maintenance of any new dam or any project work unrelated to an existing project under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), except as specifically authorized by the Congress.

(d) Upon application of the Governor of a State for the designation of any additional State or local scenic river area as part of the Nationwide System of Scenic Rivers, the Secretary may make such designation after consultation with interested Federal agencies, if the State or local agency administering the area agrees to manage and protect it in a manner satisfactory to the Secretary.

SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 12, 1967.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: Your committee has requested a report on S. 119, a bill to reserve certain public lands for a National Wild Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes, and on S. 368, a bill to provide for the establishment of the St. Croix National Scenic Riverway in the States of Minnesota and Wisconsin, and for other purposes.

S. 119 is identical to the "wild rivers" bill of the 89th Congress (S. 1446) as that bill passed the Senate on January 19, 1966. S. 1446

was introduced in the 89th Congress as the result of an executive communication of March 3, 1965, from this Department.

In recent months, however, the Department has made a further analysis of this proposed legislation, and has found certain refinements and changes in the proposal would be desirable. By an executive communication of February 18, 1967, we submitted to the Congress our revised proposal to establish a Nationwide System of Scenic Rivers, which has been introduced as S. 1092.

S. 1092 will, among other things, designate a substantial portion of the St. Croix River in Minnesota and Wisconsin, together with its Namekagon tributary and related adjacent lands, as a national scenic river area for inclusion in the Nationwide System of Scenic Rivers.

We recommend, therefore, the enactment of S. 1092 in lieu of S. 119 and S. 368.

The Bureau of the Budget has advised that there would be no objection to the presentation of this report, and that enactment of S. 1092 would be in accord with the program of the President.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 12, 1967.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate.

DEAR MR. CHAIRMAN: As you asked, here is our report on S. 119, a bill to reserve certain public lands for a National Wild Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes.

In 1963 the Departments of Agriculture and the Interior initiated a joint study of the Nation's scenic rivers. As an outgrowth of that study, the Secretary of the Interior sent to the 89th Congress on March 3, 1965, a proposed bill to establish a National Wild Rivers System. The proposed legislation was introduced as S. 1446.

S. 119 is identical to S. 1446 of the 89th Congress, as it was amended and passed by the Senate. No action was taken on S. 1446 by the House of Representatives.

After the close of the 89th Congress, we worked with the Department of the Interior in developing modified draft legislation to establish a Nationwide System of Scenic Rivers. On February 18, 1967, the Secretary of the Interior transmitted this proposed legislation to the 90th Congress with the concurrence of this Department. It has been introduced as S. 1092. We recommend that S. 1092 be enacted.

The Bureau of the Budget advises that the enactment of S. 1092 would be in accord with the President's program.

Sincerely yours,

ORVILLE L. FREEMAN.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., April 13, 1967.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Bureau of the Budget on S. 119, to reserve certain public lands for a National Wild Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes, and S. 368, to provide for the establishment of the St. Croix National Scenic Riverway in the States of Minnesota and Wisconsin, and for other purposes.

The reports which the Departments of Agriculture and the Interior are submitting explain that, in lieu of S. 119 and S. 368, they would recommend the enactment of S. 1092, the administration's proposal for a nationwide system of scenic rivers.

The Bureau of the Budget concurs in the views of the Departments of Agriculture and the Interior and, accordingly, recommends enactment of S. 1092 which would be in accord with the program of the President.

Sincerely yours,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

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Calendar No. 476

90TH CONGRESS
1ST SESSION

S. 119

[Report No. 491]

IN THE SENATE OF THE UNITED STATES

JANUARY 11, 1967

Mr. CHURCH (for himself, Mr. ANDERSON, Mr. BARTLETT, Mr. BAYH, Mr. BREWSTER, Mr. BURDICK, Mr. CASE, Mr. CLARK, Mr. COOPER, Mr. DODD, Mr. ERVIN, Mr. FONG, Mr. GRUENING, Mr. HART, Mr. INOUYE, Mr. JACKSON, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, Mr. LAUSCHE, Mr. LONG of Missouri, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. MILLER, Mr. MONDALE, Mr. MONTOYA, Mr. MORSE, Mr. MOSS, Mr. MUNDT, Mr. NELSON, Mr. PERCY, Mr. PROXMIRE, Mr. RIBICOFF, Mr. SCOTT, Mr. SYMINGTON, Mr. TOWER, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

AUGUST 4, 1967

Reported, under authority of the order of the Senate of August 3, 1967, by Mr. CHURCH, with amendments

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To reserve certain public lands for a National Wild Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

~~SHORT TITLE~~

~~SECTION 1. This Act may be cited as the "Wild Rivers Act".~~

~~STATEMENT OF POLICY~~

~~SEC. 2. (a) The Congress finds that some of the free-flowing rivers of the United States possess unique water conservation, scenic, fish, wildlife, and outdoor recreation values of present and potential benefit to the American people. The Congress also finds that our established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes. It is the policy of Congress to preserve, develop, reclaim, and make accessible for the benefit of all of the American people selected parts of the Nation's diminishing resource of free-flowing rivers. For this purpose there is hereby established a National Wild Rivers System to be composed of the areas that are designated as "wild river areas" in this Act, and the additional areas that may be designated in subsequent Acts of Congress. Areas designated as "wild river areas" by subsequent Acts of Congress shall be administered in accordance with the provisions of this Act unless the subsequent Acts provide otherwise.~~

1 ~~DEFINITION OF WILD RIVER AREA~~

2 ~~(b) A wild river area eligible to be included in the~~
3 ~~System is a stream or section of a stream, tributary, or~~
4 ~~river—and the related adjacent land area—that should be~~
5 ~~left in its free-flowing condition, or that should be restored~~
6 ~~to such condition, in order to promote sound water conserva-~~
7 ~~tion, and promote the public use and enjoyment of the scenic,~~
8 ~~fish, wildlife, and outdoor recreation values.~~

9 ~~NATIONAL WILD RIVERS SYSTEM~~

10 ~~SEC. 3. (a) The following rivers, or segments thereof,~~
11 ~~and related, adjacent lands, most of which are public lands,~~
12 ~~as depicted on maps numbered "NWR-SAL-1001, NWR-~~
13 ~~CLE-1001, NWR-ROG 1001, NWR-RIO 1000, NWR-~~
14 ~~ELE-1000, NWR-CAP-1000, and NWR-SHE-1000" are~~
15 ~~hereby designated as "wild river areas":~~

16 ~~(1) Salmon, Idaho—the Salmon from town of~~
17 ~~North Fork downstream to its confluence with the Snake~~
18 ~~River and the entire Middle Fork.~~

19 ~~(2) Clearwater, Middle Fork, Idaho—the Middle~~
20 ~~Fork from the town of Kooskia upstream to the town of~~
21 ~~Lowell; the Lochsa River from its junction with the~~
22 ~~Selway at Lowell forming the Middle Fork, upstream~~

1 ~~to the Powell Ranger Station; and the Selway River~~
2 ~~from Lowell upstream to its origin.~~
3 ~~(3) Rogue, Oregon—the segment extending from~~
4 ~~the Applegate River to the Route 101 highway bridge~~
5 ~~above Gold Beach.~~
6 ~~(4) Rio Grande, New Mexico—the segment ex-~~
7 ~~tending from the Colorado State line downstream to~~
8 ~~near the town of Pilar, and the lower four miles of the~~
9 ~~Red River.~~
10 ~~(5) Eleven Point, Missouri—the segment of the~~
11 ~~river extending from a point near Greer Spring down-~~
12 ~~stream to State Highway 142.~~
13 ~~(6) Cacapon, West Virginia— entire river and its~~
14 ~~tributary, the Lost River.~~
15 ~~(7) Shenandoah, West Virginia— the segment of~~
16 ~~the river located in the State of West Virginia.~~
17 ~~Said maps shall be on file and available for public inspection~~
18 ~~in the appropriate offices of the Department of the Interior~~
19 ~~and the Department of Agriculture.~~
20 ~~FEDERAL-STATE PLANNING FOR ADDITIONS TO SYSTEM~~
21 ~~(b) The Secretary of the Interior, and the Secretary~~
22 ~~of Agriculture where national forest lands are involved, after~~
23 ~~consultation with interested Federal agencies, are directed~~
24 ~~to consult with the Governors and officials of the States in~~
25 ~~which the rivers listed below are located to ascertain whether~~

1 ~~a joint Federal-State plan is feasible and desirable in the~~
2 ~~public interest to conserve segments of these rivers. They~~
3 ~~shall submit to the President their recommendations for in-~~
4 ~~clusion of any or all of them in the National Wild Rivers~~
5 ~~System, and the President shall submit to the Congress his~~
6 ~~recommendations for such legislation as he deems appro-~~
7 ~~priate:~~

8 ~~(1) Buffalo, Tennessee—the entire river from its~~
9 ~~beginning in Lawrence County to its confluence with~~
10 ~~the Duck River.~~

11 ~~(2) Green, Wyoming—the segment extending from~~
12 ~~its origin in the Bridger Wilderness Area, south to its~~
13 ~~confluence with Horse Creek.~~

14 ~~(3) Hudson, New York—the segment of the main-~~
15 ~~stem extending from its origin in the Adirondack Park~~
16 ~~downstream to the vicinity of the town of Luzerne:~~
17 ~~Boreas River from its mouth to Durgin Brook; Indian~~
18 ~~River from its mouth to Abanakee Dam; and Cedar~~
19 ~~River from its mouth to Cedar Rived flow.~~

20 ~~(4) Missouri, Montana—the segment upstream from~~
21 ~~Fort Peck Reservoir toward the town of Fort Benton.~~

22 ~~(5) Niobrara, Nebraska—the mainstem segment~~
23 ~~lying between the confluence of Antelope Creek down-~~
24 ~~stream to the headwaters of the proposed Norden Res-~~

~~ervoir east to the town of Valentine, and the lower eight miles of its Snake River tributary.~~

~~(6) Skagit, Washington—the Skagit from the town of Mount Vernon upstream to Gorge powerhouse near the town of Newhalem; the Cascade River from its mouth to the confluence of the North and South Forks; the Sauk from its mouth to Elliott Creek; and the Suiattle from its mouth to Milk Creek.~~

~~(7) Susquehanna, New York and Pennsylvania—the segment of the Susquehanna River from a dam at Cooperstown, New York, downstream to the town of Pittston, Pennsylvania.~~

~~(8) Wolf, Wisconsin—the segment reaching from the confluence of the Hunting River downstream to the town of Keshena.~~

~~(9) Suwannee, Georgia and Florida—entire river from its source in the Okefenokee Swamp in Georgia to the gulf, and the outlying Ichetucknee Springs, Florida.~~

~~(10) Youghiogheny, Maryland and Pennsylvania—from Oakland, Maryland, to the Youghiogheny Reservoir, and from the Youghiogheny Dam, downstream to the town of Connellsville, Pennsylvania.~~

~~(11) Little Miami, Ohio—the segment of the Little~~

~~Miami River in Clark, Greene, Warren, and Clermont Counties from a point in the vicinity of Clifton, Ohio, downstream to a point in the vicinity of Morrow, Ohio.~~

~~(12) Little Beaver, Ohio—the segment of the North and Middle Forks of the Little Beaver River, in Columbiana County, from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.~~

~~(13) Pine Creek, Pennsylvania—the segment from Ansonia, Pennsylvania, to Waterville, Pennsylvania.~~

~~(14) Delaware, Pennsylvania and New York—the segment from Hancock, New York, to Matamoras, Pennsylvania.~~

~~(15) Allegheny, Pennsylvania—the segment from the Allegheny Reservoir at Kinzua, Pennsylvania, to Tionesta, Pennsylvania, and then from Franklin, Pennsylvania, to East Brady, Pennsylvania.~~

~~(16) Clarion, Pennsylvania—the segment from where it enters the Allegheny River to Ridgway, Pennsylvania.~~

~~(17) West Branch Susquehanna, Pennsylvania—the segment of the West Branch Susquehanna from Clearfield, Pennsylvania, to Lock Haven, Pennsylvania.~~

1 ~~RIVER BASIN PLANNING FOR ADDITIONS TO SYSTEM~~

2 ~~(c) In all planning for the use and development of water~~
3 ~~and related land resources, consideration shall be given by~~
4 ~~all Federal agencies involved to potential wild river areas,~~
5 ~~and all river basin and project plan reports submitted to the~~
6 ~~Congress shall discuss any such potentials. The Secretary~~
7 ~~of the Interior and the Secretary of Agriculture shall make~~
8 ~~specific studies and investigations to determine which addi-~~
9 ~~tional wild river areas within the United States shall be~~
10 ~~evaluated in planning reports by all Federal agencies as~~
11 ~~potential alternative uses of the water and related land~~
12 ~~resources involved.~~

13 ~~OTHER ADDITIONS TO SYSTEMS~~

14 ~~(d) The Secretary of the Interior and the Secretary of~~
15 ~~Agriculture shall also submit to the President from time~~
16 ~~to time their recommendations for inclusion in the National~~
17 ~~Wild Rivers System of any other river or segment thereof.~~
18 ~~The President shall submit to the Congress his recommenda-~~
19 ~~tions for such legislation as he deems appropriate.~~

20 ~~(e) Recommendations made under this section shall be~~
21 ~~developed in consultation with the States, those Federal~~
22 ~~agencies which normally participate in the development of~~
23 ~~recreation plans and comprehensive river basin plans, any~~
24 ~~commissions established pursuant to interstate compacts the~~

~~assigned responsibilities of which would be affected, and commissions or other bodies which may be established for the purpose of developing a comprehensive plan for the river basin within which the contemplated wild river area would be located. Each such recommendation shall be accompanied by (1) expressions of any views which the agencies and States consulted pursuant to the foregoing may submit within ninety days after having been notified of the proposed recommendation, (2) a statement setting forth the probable effect of the recommended action on any comprehensive river basin plan that may have been adopted by Congress or that is serving as a guide for coordinating Federal or Federal and State programs in the basin, and (3) in the absence of such plan, a statement indicating the probable effect of the recommended action on alternative beneficial uses of the resources of the basin.~~

~~(f) Whenever it is proposed to add a river or segment thereof to the National Wild Rivers System, and the river or segment runs through non-Federal land, recommendations with respect to its addition and with respect to whether it should be wholly or partly acquired, protected, and managed pursuant to exclusive State authority shall be made to the President by the Governor of each State concerned. Such~~

1 ~~recommendation to the President shall be accompanied by or~~
2 ~~based upon a general State plan which assures the effectua-~~
3 ~~tion of the purposes of this Act in perpetuity. The President~~
4 ~~shall submit to the Congress his recommendations with re-~~
5 ~~spect to the designation of such river or segment thereof as a~~
6 ~~part of the National Wild Rivers System and the administra-~~
7 ~~tion of such area by State authority, together with such~~
8 ~~draft legislation that he deems appropriate.~~

9 ~~NEED FOR LAND ACQUISITION~~

10 ~~(g) Any recommendation for an addition to the Na-~~
11 ~~tional Wild Rivers System shall indicate the extent to which~~
12 ~~land will need to be acquired by the State and by the Fed-~~
13 ~~eral Government, and the extent to which the acquisition~~
14 ~~of scenic easements or other interests in land may be an~~
15 ~~adequate substitute for the acquisition of a fee title.~~

16 ~~ADMINISTRATION OF SYSTEM~~

17 ~~SEC. 4. (a) The Secretary of the Interior shall ad-~~
18 ~~minister the wild river area designated by subsection 3(a),~~
19 ~~paragraph (4) and the Secretary of Agriculture shall ad-~~
20 ~~minister the areas designated by paragraphs (2) and (5).~~
21 ~~The area designated by paragraphs (1), (3), (6), and~~
22 ~~(7) shall be administered in a manner agreed upon by the~~
23 ~~two Secretaries, or as directed by the President.~~

24 ~~(b) Wild river areas designated by subsequent Acts of~~
25 ~~Congress shall be administered by the Secretary of the In-~~

terior, except that when the wild river area is wholly within, partly within, or closely adjacent to, a national forest such area shall be administered by the Secretary of Agriculture unless it is also partly within, or closely adjacent to, an area administered by the Secretary of the Interior, in which event the wild river area shall be administered in such manner as may be agreed upon by the Secretary of the Interior and the Secretary of Agriculture, or as directed by the President. The Secretary charged with the administration of a wild river area or portion thereof designated by this Act or by subsequent Acts may agree with the Governor of the State for State or local governmental agency participation in the administration of the area. The States shall be encouraged to cooperate in the planning and administration of such wild river areas where they include State-owned or county-owned lands. Any Federal land located within a wild river area may, with the consent of the head of the agency having jurisdiction thereof, be transferred to the jurisdiction of the appropriate Secretary or State for administration as part of the wild river area. Any land transferred hereunder to the jurisdiction of the Secretary of Agriculture for administration as part of a wild river area in connection with the National Forest System shall become national forest land.

(c) Within the exterior boundaries of a wild river area

1 ~~as defined by section 3 of this Act, the Secretary of the In-~~
2 ~~terior or the Secretary of Agriculture may acquire lands or~~
3 ~~interests therein by donation, purchase with donated or~~
4 ~~appropriated funds, exchange, or otherwise: *Provided*, That~~
5 ~~neither Secretary may acquire lands, waters, or interests~~
6 ~~therein by condemnation without the owner's consent when~~
7 ~~50 per centum or more of the acreage or stream bank within~~
8 ~~the entire wild river area is owned by Federal, State, or local~~
9 ~~governmental agencies, but this limitation shall not apply to~~
10 ~~the acquisition of scenic easements. Lands owned by an~~
11 ~~Indian tribe may be acquired only with the consent of the~~
12 ~~tribal governing body. In the exercise of his exchange au-~~
13 ~~thority the Secretary of the Interior may accept title to any~~
14 ~~non-Federal property within a wild river area, and in ex-~~
15 ~~change therefor he may convey to the grantor of such prop-~~
16 ~~erty and federally owned property under his jurisdiction~~
17 ~~within the State in which the river or segment thereof runs,~~
18 ~~except lands within the National Park System, the National~~
19 ~~Wildlife Refuge System, or revested Oregon and California~~
20 ~~Railroad and reconveyed Coos Bay Wagon Road grant~~
21 ~~lands, which he classifies as suitable for exchange or other~~
22 ~~disposal. The properties so exchanged shall be of approxi-~~
23 ~~mately equal fair market value. If they are not of ap-~~
24 ~~proximately equal fair market value, the Secretary of the~~

~~Interior may accept cash from, or pay cash to, the grantor in order to equalize the values of the properties exchanged. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands. Any such lands acquired by the Secretary of Agriculture within or adjacent to a national forest shall upon acquisition become national forest lands. Money appropriated for Federal or State purposes from the land and water conservation fund shall be available for the acquisition of property for the purposes of this Act. As used in this Act the term "scenic easement" means the right to control the use of land (including the air space above such land) for the purpose of protecting the scenic view from the river for the purposes of this Act, but such control shall not affect any regular use exercised prior to the acquisition of the easement.~~

~~(d) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any wild river area, if such lands are located within any incorporated city, village, or borough within such area, when such entities shall have in force and applicable to such lands a duly adopted, valid zoning ordinance that is satisfactory to the Secretary.~~

~~(e) Neither the Secretary of the Interior nor the Secre-~~

1 ~~tary of Agriculture may exercise any authority to acquire~~
2 ~~county-owned lands within any wild river area without the~~
3 ~~consent of said county as long as the county is following a~~
4 ~~plan for the management, zoning and protection of such~~
5 ~~lands that is satisfactory to the Secretary.~~

6 ~~(f) Wherever the power of condemnation has been con-~~
7 ~~ferred by this Act, the Secretary of the Interior and the~~
8 ~~Secretary of Agriculture may acquire in fee title by con-~~
9 ~~demnation an area which may not extend more than three~~
10 ~~hundred feet on either side of the stream, tributary, or river;~~
11 ~~and either Secretary may acquire by condemnation for scenic~~
12 ~~easements, or other interests in land other than fee title, an~~
13 ~~area which extends no more than one thousand three hundred~~
14 ~~and twenty feet from either side of the stream, tributary, or~~
15 ~~river.~~

16 ~~(g) A wild river area shall be administered for the~~
17 ~~purposes of water conservation, scenic, fish, wildlife, and out-~~
18 ~~door recreation values contributing to public enjoyment, but~~
19 ~~without limitation on other uses, including timber harvesting~~
20 ~~and livestock grazing, that do not substantially interfere with~~
21 ~~these purposes. The Secretary of the Interior, in admin-~~
22 ~~istering such areas, may utilize such statutory authorities~~
23 ~~relating to areas of the national park system and such statu-~~
24 ~~tory authorities otherwise available to him for recreation~~
25 ~~and preservation purposes, and the conservation and man-~~

1 ~~agement of natural resources, as he deems appropriate to~~
2 ~~carry out the purposes of this Act. The Secretary of Agri-~~
3 ~~culture, in administering such area, shall utilize the statu-~~
4 ~~tory authorities relating to the national forests in such~~
5 ~~manner as he deems appropriate to carry out the purposes~~
6 ~~of this Act.~~

7 ~~(h) No lands, waters or interests therein other than~~
8 ~~scenic easements may be administered under this Act as a~~
9 ~~part of the National Wild Rivers System if such lands,~~
10 ~~waters, or interests were acquired by a State under its power~~
11 ~~of condemnation for the specific purpose of making such~~
12 ~~lands, waters, or interests therein a part of the National Wild~~
13 ~~Rivers System under this Act.~~

14 ~~SPECIAL PROVISIONS~~

15 ~~SEC. 5. (a) The Federal Power Commission shall not~~
16 ~~authorize the construction, operation, or maintenance of any~~
17 ~~dam or other project work under the Federal Power Act~~
18 ~~(41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), in~~
19 ~~any wild river area except as specifically authorized by the~~
20 ~~Congress.~~

21 ~~(b) Nothing in this Act shall affect the applicability of~~
22 ~~the United States mining and mineral leasing laws within~~
23 ~~the National Wild River System, except that all mining~~
24 ~~claims located after the effective date of this Act shall be sub-~~
25 ~~ject to such regulations as the Secretary of the Interior, or~~

1 ~~the Secretary of Agriculture in the case of national forest~~
2 ~~lands, may prescribe to effectuate the purposes of this Act.~~
3 ~~Any patent issued shall recite this limitation. All such regu-~~
4 ~~lations shall provide among other things for safeguards~~
5 ~~against pollution of the river.~~
6 ~~(c) Any portion of a wild river area that is within the~~
7 ~~National Wilderness Preservation System, as established by~~
8 ~~the Act of September 3, 1964 (Public Law 88-577), shall~~
9 ~~be subject to the provision of both the Wilderness Act and~~
10 ~~this Act with respect to the preservation of such a wild river~~
11 ~~area, and in case of conflict between the provisions of these~~
12 ~~Acts the more restrictive provisions shall apply.~~
13 ~~(d) The head of any Federal or State agency administ-~~
14 ~~tering a wild river area shall cooperate with the Secretary~~
15 ~~of Health, Education, and Welfare, and with the appropriate~~
16 ~~State water pollution control agencies, for the purpose of~~
17 ~~eliminating or diminishing the pollution of waters within a~~
18 ~~wild river area.~~
19 ~~(e) The jurisdiction of the States and the United States~~
20 ~~over waters of any stream included in a wild river area shall~~
21 ~~be determined by established principles of law. Under the~~
22 ~~provisions of this Act, any taking by the United States of~~
23 ~~a water right which is vested under either State or Federal~~
24 ~~law at the time such river is included in the Wild Rivers~~
25 ~~System shall entitle the owner thereof to just compensation.~~

~~Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.~~

~~(f) Nothing in this Act shall affect the jurisdiction or responsibilities of the States under other provisions of law with respect to fish and wildlife.~~

~~(g) Nothing contained in this Act shall be construed to alter, amend, repeal, construe, interpret, modify or be in conflict with any interstate compact made by any States which contain any portion of the National Wild Rivers System.~~

~~(h) A State shall have such rights as may be necessary to assure adequate access by such State to the beds of navigable streams, tributaries, or rivers (or segments thereof) which are vested in the State, in case such beds are located in a wild river area.~~

~~(i) Designation of any stream or portion thereof shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.~~

~~(j) The jurisdiction of the States over waters of any stream included in a wild river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised~~

1 ~~without impairing the purposes of this Act or its admini-~~
2 ~~tration.~~

3 ~~SEC. 6. In recognition of the fact that changes may~~
4 ~~occur in the circumstances of wild river areas included in~~
5 ~~the National Wild Rivers System or in the needs for the~~
6 ~~resources associated with such areas, which will require~~
7 ~~future Congresses to make changes in the system, and in~~
8 ~~order to assure that the Congress is kept informed of such~~
9 ~~changes in circumstances or needs, there is created a Na-~~
10 ~~tional Wild Rivers Review Board, to make reviews and~~
11 ~~furnish reports to the Congress as hereinafter provided.~~

12 ~~The National Wild Rivers Review Board shall consist~~
13 ~~of the Secretary of the Interior, who shall be its chairman,~~
14 ~~the Secretary of Agriculture, the Secretary of the Army, the~~
15 ~~Chairman of the Federal Power Commission, and the Gov-~~
16 ~~ernors of the several States for the purpose of consideration~~
17 ~~of the status of any river included within the National Wild~~
18 ~~Rivers System which lies within their States.~~

19 ~~Within sixty days after the convening of a new Con-~~
20 ~~gress, commencing with the second Congress after the enact-~~
21 ~~ment of this Act, the National Wild Rivers Review Board~~
22 ~~shall file a report and recommendations with the President~~
23 ~~of the Senate and with the Speaker of the House of Repre-~~
24 ~~sentatives. Such report shall contain a discussion of any~~

1 significant developments since the date of enactment of the
2 Act, or since the last report, including but not limited to the
3 following subjects: Technology of passage of fish over dams;
4 status and trends of anadromous fish runs; activities by way
5 of construction or otherwise pursuant to international agree-
6 ments relating to any basin in which wild rivers are desig-
7 nated; projected national, regional, or local demands for addi-
8 tional electrical generating capacity, particularly as related
9 to existence or possibility of declarations of national emer-
10 gency; and Federal or State legislative changes which affect
11 the financing of river or reclamation development projects,
12 including basin account authorizations relative to any basin
13 in which wild rivers are designated. The National Wild
14 Rivers Review Board is authorized and directed to conduct
15 continuing comparative studies which would measure the
16 balance of benefits and detriments of each wild river to the
17 State in which it is located, and to report to Congress, as
18 appropriate, recommendations to assure that, wherever it is
19 found that the reclamation of arid land would better serve
20 the public interest of such State, the same shall not be
21 prejudiced by the wild rivers status of any stream.
22 SEC. 7. There are hereby authorized to be appropriated
23 such sums as may be necessary to carry out the provisions
24 of this Act.

1 *SHORT TITLE*

2 *SECTION 1. This Act may be cited as the "Wild and*
3 *Scenic Rivers Act".*

4 *STATEMENT OF POLICY*

5 *SEC. 2. (a) The Congress finds that some of the free-*
6 *flowing rivers of the United States and related adjacent land*
7 *areas possess outstanding scenic, fish, wildlife, and outdoor*
8 *recreation values of present and potential benefit to the Ameri-*
9 *can people. The Congress also finds that our established na-*
10 *tional policy of dam and other construction at appropriate*
11 *sections of the rivers of the United States needs to be comple-*
12 *mented by a policy that would preserve other selected rivers*
13 *or sections thereof in their free-flowing condition to protect*
14 *the water quality of such rivers and to fulfill other vital na-*
15 *tional conservation purposes. It is the policy of Congress to*
16 *preserve, develop, reclaim, and make accessible for the benefit*
17 *of all of the American people, selected parts of the Nation's*
18 *diminishing resource of free-flowing rivers. For this purpose*
19 *there is hereby established a National Wild and Scenic Rivers*
20 *System to be composed of (a) the areas designated by this Act*
21 *or subsequent Acts as "national wild river areas" and "na-*
22 *tional scenic river areas," and (b) those State or locally ad-*
23 *ministered wild or scenic river areas designated by the Secre-*
24 *tary of Interior as part of the system. Areas designated as*
25 *national "wild" or "scenic" river areas by subsequent Acts*

of Congress shall be administered in accordance with the provisions of this Act unless the subsequent Acts provide otherwise.

DEFINITION OF WILD RIVER AREA

(b) A wild river area eligible to be included in the System is a stream or section of a stream, tributary, or river—and the related adjacent lands—located in a sparsely populated, natural, and rugged environment where the river is free flowing and unpolluted, or where the river should be restored to such condition, in order to promote sound water conservation, and promote the public use and enjoyment of the scenic, fish, wildlife, and outdoor recreation values.

DEFINITION OF SCENIC RIVER AREA

(c) A scenic river area eligible to be included in the System is a stream or section of a stream, tributary, or river—and the related adjacent lands—that is unpolluted and should be left in its pastoral or scenic attractiveness, or that should be restored to such condition, in order to protect, develop, and make accessible its significant national outdoor recreational resources for public use and enjoyment.

NATIONAL WILD RIVERS

SEC. 3. (a) The following rivers, or segments thereof, and related adjacent lands, are hereby designated as "national wild river areas":

(1) Salmon, Middle Fork, Idaho—from its origin to its confluence with the main Salmon River.

(2) Clearwater, Middle Fork, Idaho—the Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin.

(3) Rio Grande, New Mexico—the segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River.

(4) Saint Croix, Minnesota and Wisconsin—the segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from its confluence upstream with the Saint Croix to the dam near Trego, Wisconsin.

(5) Wolf, Wisconsin—From Langlade-Menominee County Line downstream to Keshena Falls.

(6) Rogue, Oregon—The segment of the river extending from the mouth of Graves Creek downstream to river mile 38, below Flea Creek.

(7) Illinois, Oregon—The segment of the river extending from Briggs Creek downstream to Lawson Creek.

NATIONAL SCENIC RIVERS

(b) The following rivers, or segments thereof, and related, adjacent lands, are hereby designated as "national scenic river areas":

(1) Saint Croix, Wisconsin and Minnesota—downstream from the dam near Taylors Falls, Minnesota, to its confluence with the Mississippi River.

(2) Eleven Point, Missouri—the segment of the river extending downstream from Thomasville to State Highway 142.

(3) Rogue, Oregon—The segment of the river extending from the mouth of the Applegate River, downstream to the mouth of Graves Creek; and that segment of the river extending from river mile 38 below Flea Creek downstream to the Lobster Creek Bridge.

(4) Illinois, Oregon—That segment of the river extending from the mouth of Deer Creek, downstream to Briggs Creek; and that segment of the river extending from Lawson Creek downstream to its confluence with the Rogue.

(5) Namekagon, Wisconsin—that section of the river extending from Lake Namekagon downstream to the dam near Trego, Wisconsin.

1 *FEDERAL-STATE PLANNING FOR ADDITIONS TO SYSTEM*

2 *SEC. 4. (a) The Secretary of the Interior, and the Secre-*
3 *tary of Agriculture where national forest lands are involved,*
4 *after consultation with interested Federal agencies, are di-*
5 *rected to consult with the Governors and officials of the States*
6 *in which the rivers listed below are located to ascertain*
7 *whether a joint Federal-State plan is feasible and desirable*
8 *in the public interest to conserve segments of these rivers.*
9 *The appropriate Secretary shall submit to the President*
10 *within five years from the date of enactment of this Act his*
11 *recommendations for inclusion of any or all of them in the*
12 *National Wild and Scenic Rivers System, and the President*
13 *shall submit to the Congress his recommendations for such*
14 *legislation as he deems appropriate:*

15 *(1) Salmon, Idaho—from the town of North Fork*
16 *downstream to its confluence with the Snake River.*

17 *(2) Buffalo, Tennessee—the entire river from its*
18 *beginning in Lawrence County to its confluence with the*
19 *Duck River.*

20 *(3) Big Fork, Minnesota—the entire river.*

21 *(4) Hudson, New York—the segment of the main*
22 *stem extending from its origin in the Adirondack Park*
23 *downstream to the vicinity of the town of Luzerne:*
24 *Boreas River from its mouth to Durgin Brook; Indian*

River from its mouth to Abanakee Dam; and Cedar River from its mouth to Cedar River flow.

(5) Missouri, Montana—the segment upstream from Fort Peck Reservoir toward the town of Fort Benton.

(6) Niobrara, Nebraska—the mainstem segment lying between the confluence of Antelope Creek downstream to the headwaters of the proposed Norden Reservoir east of the town of Valentine, and the lower eight miles of its Snake River tributary.

(7) Skagit, Washington—the Skagit from the town of Mount Vernon upstream to Gorge powerhouse near the town of Newhalem; the Cascade River from its mouth to the confluence of the North and South Forks; the Sauk from its mouth to Elliott Creek; and the Suiattle from its mouth to Milk Creek.

(8) Susquehanna, New York and Pennsylvania—the segment of the Susquehanna River from a dam at Cooperstown, New York, downstream to the town of Pittston, Pennsylvania.

(9) Suwannee, Georgia and Florida—entire river from its source in the Okefenokee Swamp in Georgia to the gulf, and the outlying Ichetucknee Springs, Florida.

(10) Youghiogheny, Maryland and Pennsylvania—from Oakland, Maryland, to the Youghiogheny Reser-

voir, and from the Youghiogheny Dam downstream to the town of Connellsville, Pennsylvania.

(11) Little Miami, Ohio—the segment of the Little Miami River in Clark, Greene, Warren, and Clermont Counties from a point in the vicinity of Clifton, Ohio, downstream to a point in the vicinity of Morrow, Ohio.

(12) Little Beaver, Ohio—the segment of the North and Middle Forks of the Little Beaver River in Columbiana County, from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.

(13) Maumee, Ohio—from Perrysburg, Ohio, to Fort Wayne, Indiana.

(14) Pine Creek, Pennsylvania—the segment from Ansonia, Pennsylvania, to Waterville, Pennsylvania.

(15) Delaware, Pennsylvania and New York—the segment from Hancock, New York, to Matamoras, Pennsylvania.

(16) Allegheny, Pennsylvania—the segment from the Allegheny Reservoir at Kinzua, Pennsylvania, to Tionesta, Pennsylvania, and then from Franklin, Pennsylvania, to East Brady, Pennsylvania.

(17) Clarion, Pennsylvania—the segment from where it enters the Allegheny River to Ridgway, Pennsylvania.

(18) West Branch Susquehanna, Pennsylvania—the segment of the West Branch Susquehanna from Clearfield, Pennsylvania, to Lock Haven, Pennsylvania.

(19) Chattooga, North Carolina, South Carolina and Georgia—the entire river.

(20) Flathead, Montana—the North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

(21) Gasconade, Missouri—the entire river.

(22) Guadalupe, Texas—the entire river.

(23) Klamath, California—the segment from Scott River downstream to a point two miles upstream from United States 101 crossing.

(24) Penobscot, Maine—its east and west branches.

(25) Pere Marquette, Michigan—the entire river.

(26) Upper Iowa, Iowa—the entire river.

(27) Feather, California—the Middle Fork.

(b) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild or scenic river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of

1 *Agriculture shall make specific studies and investigations to*
2 *determine which additional wild or scenic river areas within*
3 *the United States shall be evaluated in planning reports by*
4 *all Federal agencies as potential alternative uses of the water*
5 *and related land resources involved.*

6 *(c) The Secretary of the Interior and the Secretary of*
7 *Agriculture shall also submit, in accordance with the proce-*
8 *dures and requirements of this section, to the President from*
9 *time to time their recommendations for inclusion in the Na-*
10 *tional Wild and Scenic Rivers System of any other river or*
11 *segment thereof. The President shall submit to the Congress*
12 *his recommendations for such legislation as he deems appro-*
13 *priate.*

14 *(d) Recommendations made under this section shall be*
15 *developed in consultation with the States, those Federal agen-*
16 *cies which normally participate in the development of recrea-*
17 *tion plans and comprehensive river basin plans, any com-*
18 *missions established pursuant to interstate compacts the as-*
19 *signed responsibilities of which would be affected, commissions*
20 *or other bodies which may be established for the purpose of*
21 *developing a comprehensive plan for the river basin within*
22 *which the comtemplated national wild or scenic river area*
23 *would be located, and the public through local public hearings.*
24 *Each such recommendation shall be accompanied by (1) ex-*
25 *pressions of any views which the agencies and States consulted*

1 *pursuant to the foregoing may submit: Provided, That no*
2 *river or portion of any river shall be added to the National*
3 *Wild and Scenic Rivers System subsequent to enactment of*
4 *this Act until the close of the next full session of the State*
5 *legislature, or legislatures in case more than one State is*
6 *involved, which begins following the submission of any recom-*
7 *mendation to the President with respect to such addition as*
8 *herein provided, (2) a statement setting forth the probable*
9 *effect of the recommended action on any comprehensive river*
10 *basin plan that may have been adopted by Congress or that is*
11 *serving as a guide for coordinating Federal or Federal and*
12 *State programs in the basin, and (3) in the absence of such*
13 *plan, a statement indicating the probable effect of the recom-*
14 *mended action on alternative beneficial uses of the resources*
15 *of the basin.*

16 *REPORT ON LAND ACQUISITION*

17 *(e) Any recommendation for an addition to the Na-*
18 *tional Wild and Scenic Rivers System shall indicate the*
19 *extent to which land will need to be acquired by the State*
20 *and by the Federal Government, and the extent to which the*
21 *acquisition of scenic easements or other interests in land may*
22 *be an adequate substitute for the acquisition of a fee title.*

23 *ADMINISTRATION OF SYSTEM*

24 *SEC. 5. (a) The Secretary charged with the administra-*
25 *tion of each national wild or scenic river area, or portion*

1 *thereof, shall establish detailed boundaries for such areas,*
2 *within the limits set by this Act. Such boundaries may be*
3 *revised from time to time, but may not include on both sides*
4 *of the stream, tributary, or river a total of more than three*
5 *hundred and twenty acres per mile. The appropriate Secre-*
6 *tary shall publish notice of detailed boundaries in the Federal*
7 *Register, together with appropriate descriptions, and shall*
8 *make such official boundary description available to the public*
9 *through appropriate Federal, State, and local agencies.*
10 *(b) National wild and scenic river areas designated by*
11 *Acts of Congress shall be administered by the Secretary of the*
12 *Interior, except that when the national wild or scenic river*
13 *area is wholly within, partly within, or closely adjacent to, a*
14 *national forest such area shall be administered by the Secre-*
15 *tary of Agriculture unless it is also partly within, or closely*
16 *adjacent to an area administered by the Secretary of the Inte-*
17 *rior, in which event administration over the river area shall be*
18 *determined as agreed upon by the Secretary of the Interior*
19 *and the Secretary of Agriculture, or as directed by the Presi-*
20 *dent. The Secretary charged with the administration of a*
21 *national wild or scenic river area or portion thereof, may*
22 *enter into written cooperative agreements with the Governor of*
23 *the State, or other appropriate local official, for State or local*
24 *governmental participation in the administration of the area.*
25 *The States shall be encouraged to cooperate in the planning*

1 *and administration of such areas where they include State-*
2 *owned lands. Any Federal land located within a national*
3 *wild or scenic river area may, with the consent of the agency*
4 *having jurisdiction thereof, be transferred to the jurisdiction*
5 *of the appropriate Secretary or State for administration as*
6 *part of the area.*

7 *(c) Each component of the National Wild and Scenic*
8 *Rivers System shall be administered in such manner as to*
9 *protect and enhance the values which caused it to be included*
10 *in said System, without prohibiting the construction of roads*
11 *or bridges, timber harvesting and livestock grazing, and*
12 *other uses that do not substantially interfere with public use*
13 *and enjoyment of these values. In such administration, pri-*
14 *ority emphasis shall be given to protecting its esthetic, scenic,*
15 *historic, fish and wildlife, archeologic, scientific, and recrea-*
16 *tional features, based on the special attributes of the area.*
17 *In order to accomplish these purposes, the Secretary of the*
18 *Interior may utilize any authority he has under other pro-*
19 *visions of law with respect to rights-of-way, easements, and*
20 *enforcement of rules and regulations.*

21 *The Secretary of Agriculture, in administering a na-*
22 *tional wild or scenic river area, shall utilize the statutory*
23 *authorities relating to the national forests in such manner as*
24 *he deems appropriate to carry out the purposes of this Act.*

25 *(d) Within the exterior boundaries of a national wild*

1 *or scenic river area, the Secretary of the Interior or the*
2 *Secretary of Agriculture may acquire lands or interests*
3 *therein by donation, purchase with donated or appropriated*
4 *funds, exchange, or otherwise: Provided, That on both sides*
5 *of the stream, tributary, or river a total of not more than*
6 *one hundred acres per mile may be acquired in fee under*
7 *authority of this Act, except that the appropriate Secretary*
8 *may acquire the portion of any individual tract of land*
9 *which lies outside of the boundaries of a national wild or*
10 *scenic river area, with the consent of the owner, in order*
11 *to avoid the payment of severance costs: Provided further,*
12 *That neither Secretary may acquire lands, waters, or inter-*
13 *ests therein by condemnation without the owner's consent*
14 *when 50 per centum or more of the acreage within the entire*
15 *national wild or scenic river area is owned by Federal, State,*
16 *or local governmental agencies, but this limitation shall not*
17 *apply to the acquisition of scenic easements. Lands owned by*
18 *a State may be acquired only with the consent of the owner.*
19 *Lands owned by an Indian tribe may be acquired only*
20 *with the consent of the tribal governing body. In the exer-*
21 *cise of his exchange authority, the Secretary of the In-*
22 *terior may accept title to any non-Federal property with-*
23 *in a national wild or scenic river area, and in exchange*
24 *therefor he may convey to the grantor of such property*
25 *any federally owned property under his jurisdiction within*

1 *the State in which the river or segment thereof runs,*
2 *except lands within the national park system, the national*
3 *wildlife refuge system, or revested Oregon and Cali-*
4 *fornia Railroad and reconveyed Coos Bay Wagon Road*
5 *grant lands, which he classifies as suitable for exchange or*
6 *other disposal. The properties so exchanged shall be of ap-*
7 *proximately equal fair market value. If they are not of ap-*
8 *proximately equal fair market value, the Secretary of the*
9 *Interior shall accept cash from, or pay cash to, the grantor*
10 *in order to equalize the values of the properties exchanged.*
11 *The Secretary of Agriculture, in the exercise of his exchange*
12 *authority, may utilize authorities and procedures available*
13 *to him in connection with exchanges of national forest lands.*
14 *Any such lands acquired by the Secretary of Agriculture*
15 *within or adjacent to a national forest shall upon acquisition*
16 *become national forest lands. Money appropriated for Fed-*
17 *eral or State purposes from the land and water conservation*
18 *fund shall be available for the acquisition of property for*
19 *the purposes of this Act.*
20 *(e) As used in this Act the term "scenic easement"*
21 *means the right to control the use of land (including the air*
22 *space above such land) for the purpose of protecting the*
23 *scenic view from the river, but such control shall not affect,*
24 *without the owner's consent, any regular use exercised prior*
25 *to the acquisition of the easement.*

1 *(f) Neither the Secretary of the Interior nor the Secre-*
2 *tary of Agriculture may acquire lands by condemnation, for*
3 *the purpose of including such lands in any national wild or*
4 *scenic river area, if such lands are located within any in-*
5 *corporated city, village, or borough when such entities shall*
6 *have in force and applicable to such lands a duly adopted,*
7 *valid zoning ordinance that conforms with the purposes of*
8 *this Act.*

9 *(g) Neither the Secretary of the Interior nor the Sec-*
10 *retary of Agriculture may exercise any authority to acquire*
11 *county-owned lands within any national wild or scenic river*
12 *area without the consent of said county as long as the county*
13 *is following a plan for the management, zoning, and protec-*
14 *tion of such lands that conforms with the purposes of this*
15 *Act.*

16 *(h)(1) In order to carry out the provisions of subsec-*
17 *tions (f) and (g), the appropriate Secretary shall issue*
18 *guidelines, specifiying standards for local zoning ordinances,*
19 *which are consistent with the purposes of this Act.*

20 *(2) The standards specified in such guidelines shall have*
21 *the object of (A) prohibiting new commercial or industrial*
22 *uses other than commercial or industrial uses which are con-*
23 *sistent with the purposes of this Act, and (B) the protection*
24 *of the bank lands by means of acreage, frontage, and setback*
25 *requirements on development.*

1 *(i)(1) Any owner or owners (hereinafter in this sub-*
2 *section referred to as "owner") of improved property on the*
3 *date of its acquisition, may retain for themselves and their*
4 *successors or assigns a right of use and occupancy of the*
5 *improved property for noncommercial residential purposes*
6 *for a definite term not to exceed twenty-five years, or, in lieu*
7 *thereof, for a term ending at the death of the owner, or the*
8 *death of his spouse, or the death of either of them. The owner*
9 *shall elect the term to be reserved. The appropriate Secre-*
10 *tary shall pay to the owner the fair market value of the*
11 *property on the date of such acquisition less the fair market*
12 *value on such date of the right retained by the owner.*
13 *(2) A right of use and occupancy retained pursuant*
14 *to this subsection shall be subject to termination whenever*
15 *the Secretary is given reasonable cause to find that such use*
16 *and occupancy is being exercised in a manner which con-*
17 *flicts with the purposes of this Act. In the event of such a*
18 *finding, the Secretary shall tender to the holder of that right*
19 *an amount equal to the fair market value of that portion*
20 *of the right which remains unexpired on the date of termina-*
21 *tion. Such right of use or occupancy shall terminate by op-*
22 *eration of law upon tender of the fair market price.*
23 *(3) The term "improved property", as used in this Act,*
24 *shall mean a detached, one-family dwelling (hereinafter*
25 *referred to as "dwelling"), the construction of which was*

1 *begun before January 1, 1967, together with so much of the*
2 *land on which the dwelling is situated, the said land being in*
3 *the same ownership as the dwelling, as the appropriate Sec-*
4 *retary shall designate to be reasonably necessary for the enjoy-*
5 *ment of the dwelling for the sole purpose of noncommercial*
6 *residential use, together with any structures accessory to the*
7 *dwelling which are situated on the land so designated.*
8 *(j) No lands, waters, or interests therein other than*
9 *scenic easements may be administered under this Act as a part*
10 *of the National Wild and Scenic Rivers System if such lands,*
11 *waters, or interests were acquired by a State under its power*
12 *of condemnation for the specific purpose of making such*
13 *lands, water, or interests therein a part of the National Wild*
14 *and Scenic Rivers System under this Act.*
15 SPECIAL PROVISIONS
16 *SEC. 6. (a) Except as specifically authorized by the*
17 *Congress, the Federal Power Commission shall not author-*
18 *ize the construction, operation, or maintenance in any national*
19 *wild or scenic river area of any dam or other project work*
20 *under the Federal Power Act (41 Stat. 1063), as amended*
21 *(16 U.S.C. 791a et seq.): Provided, That the provisions of*
22 *that Act shall continue to apply to any project, as defined in*
23 *that Act, already constructed or under license to be con-*
24 *structed.*
25 *(b) Except as specifically authorized by the Congress,*

1 *the Federal Power Commission shall not authorize the con-*
2 *struction, operation, or maintenance of any dam or other*
3 *project work under the Federal Power Act (41 Stat. 1063),*
4 *as amended (16 U.S.C. 791a et seq.); on any river, or seg-*
5 *ment thereof, listed in section 4, subsection (a), during the*
6 *five-year period following enactment of this Act unless, prior*
7 *to the expiration of said period, the Secretary of the Interior*
8 *or the Secretary of Agriculture, on the basis of study, con-*
9 *cludes that such river should not be included in the National*
10 *Wild and Scenic Rivers System and publishes notice to that*
11 *effect in the Federal Register: Provided, That the provisions*
12 *of that Act shall continue to apply to any project, as defined*
13 *in that Act, already constructed or under license to be*
14 *constructed.*

15 *(c) Nothing in this Act shall affect the applicability of*
16 *the United States mining and mineral leasing laws within the*
17 *National Wild and Scenic Rivers System, except that all*
18 *mining claims located after the effective date of this Act shall*
19 *be subject to such regulations as the Secretary of the Interior,*
20 *or the Secretary of Agriculture in the case of national forest*
21 *lands, may prescribe to effectuate the purposes of this Act.*
22 *Any patent issued shall recite this limitation. All such regu-*
23 *lations shall provide among other things for safeguards*
24 *against pollution of the river.*

25 *(d) Any portion of a national wild or scenic river area*

1 *that is within the national wilderness preservation system, as*
2 *established by the Act of September 3, 1964 (Public Law*
3 *88–577), shall be subject to the provisions of both the Wilder-*
4 *ness Act and this Act with respect to the preservation of such*
5 *a national wild or scenic river area, and in case of conflict be-*
6 *tween the provisions of these Acts the more restrictive provi-*
7 *sions shall apply.*

8 *(e) The head of any Federal, State, or local agency*
9 *administering a national wild or scenic river area shall co-*
10 *operate with the Secretary of the Interior, and with the ap-*
11 *propriate State water pollution control agencies, for the pur-*
12 *pose of eliminating or diminishing the pollution of waters*
13 *within a national wild or scenic river area.*

14 *(f) The jurisdiction of the States and the United States*
15 *over waters of any stream included in a national wild or scenic*
16 *river area shall be determined by established principles of law.*
17 *Under the provisions of this Act, any taking by the United*
18 *States of a water right which is vested under either State or*
19 *Federal law at the time such river is included in the National*
20 *Wild and Scenic Rivers System shall entitle the owner thereof*
21 *to just compensation. Nothing in this Act shall constitute an*
22 *express or implied claim or denial on the part of the Federal*
23 *Government as to exemption from State water laws.*

24 *(g) Nothing in this Act shall affect the jurisdiction or re-*

1 *sponsibilities of the States under other provisions of law*
2 *with respect to fish and wildlife.*
3 *(h) Nothing contained in this Act shall be construed*
4 *to alter, amend, repeal, interpret, modify, or be in conflict*
5 *with any interstate compact made by any States which con-*
6 *tain any portion of the National Wild and Scenic Rivers*
7 *System.*
8 *(i) Nothing in this Act shall affect existing rights of any*
9 *State, including the right of access, with respect to the beds*
10 *of navigable streams, tributaries, or rivers (or segments*
11 *thereof) located in a national wild or scenic river area.*
12 *(j) Designation of any stream or portion thereof as a*
13 *national wild or scenic river area shall not be construed as a*
14 *reservation of the waters of such streams for purposes other*
15 *than those specified in this Act, or in quantities greater than*
16 *necessary to accomplish these purposes.*
17 *(k) The jurisdiction of the States over waters of any*
18 *stream included in a national wild or scenic river area shall*
19 *be unaffected by this Act to the extent that such jurisdiction*
20 *may be exercised without impairing the purposes of this Act*
21 *or its administration.*
22 *STATE AND LOCAL WILD AND SCENIC RIVERS*
23 *SEC. 7. (a) The Secretary of the Interior is directed*
24 *to encourage and assist States to consider, in their compre-*

1 *hensive statewide outdoor recreation plans and proposals*
2 *for financing assistance for State and local projects sub-*
3 *mitted pursuant to the Land and Water Conservation Fund*
4 *Act of 1965 (78 Stat. 897), needs and opportunities for*
5 *establishing State, interstate, and local wild and scenic river*
6 *areas. He is further directed, in accordance with the author-*
7 *ity contained in the Act of May 28, 1963 (77 Stat. 49),*
8 *to provide technical assistance and advice to, and cooperate*
9 *with, States, interstate agencies, political subdivisions, and*
10 *nonprofit private organizations, with respect to establishing*
11 *such wild or scenic river areas.*
12 *(b) The Secretary of Agriculture is directed in accord-*
13 *ance with the authority vested in him to assist, advise, and*
14 *cooperate with State and local agencies and private interests*
15 *with respect to establishing such wild or scenic river areas.*
16 *(c) Upon application of the Governor of the State for*
17 *the designation of the Allagash Wilderness Waterway in*
18 *Maine or the segment of the Wolf River in Langlade County,*
19 *Wisconsin, as part of the National Wild and Scenic Rivers*
20 *System, the Secretary of the Interior may make such*
21 *designation if the State or local agency administering the*
22 *area agrees to manage and protect it in a manner satisfactory*
23 *to the Secretary.*
24 *(d) Upon application of the Governor of a State for*
25 *the designation of any additional State or local wild or scenic*

1 *river area as part of the National Wild and Scenic Rivers*
2 *System, the Secretary may make such designation, after con-*
3 *sultation with interested Federal agencies, if the State, inter-*
4 *state, or local agency administering the area agrees to manage*
5 *and protect it in a manner satisfactory to the Secretary.*

6 *SEC. 8. In recognition of the fact that changes may occur*
7 *in the circumstances of national wild or scenic river areas in-*
8 *cluded in the National Wild and Scenic Rivers System or in*
9 *the needs for the resources associated with such areas, which*
10 *will require future Congresses to make changes in the system,*
11 *and in order to assure that the Congress is kept informed of*
12 *such changes in circumstances or needs, there is created a*
13 *National Wild and Scenic Rivers Review Board, to make*
14 *review and furnish reports to the Congress as hereinafter*
15 *provided.*

16 *The National Wild and Scenic Rivers Review Board*
17 *shall consist of the Secretary of the Interior, who shall be its*
18 *Chairman, the Secretary of Agriculture, the Secretary of the*
19 *Army, the Chairman of the Federal Power Commission, and*
20 *the Governors of the several States for the purpose of con-*
21 *sideration of the status of any national wild or scenic river*
22 *area included within the National Wild and Scenic Rivers*
23 *System which lies within their States.*

24 *Within sixty days after the convening of a new Congress,*
25 *commencing with the second Congress after the enactment of*

1 *this Act, the National Wild and Scenic Rivers Review Board*
2 *shall file a report and recommendations with the President of*
3 *the Senate and with the Speaker of the House of Representa-*
4 *tives. Such report shall contain a discussion of any significant*
5 *developments since the date of enactment of the Act, or since*
6 *the last report, including but not limited to the following sub-*
7 *jects: Technology of passage of fish over dams; status and*
8 *trends of anadromous fish runs; activities by way of construc-*
9 *tion or otherwise pursuant to international agreements relating*
10 *to any basin in which national wild or scenic rivers*
11 *areas are designated; projected national, regional, or*
12 *local demand for additional electrical generating ca-*
13 *pacity, particularly as related to existence or possibility*
14 *of declarations of national emergency; and Federal*
15 *or State legislative changes which affect the financing of river*
16 *or reclamation development projects, including basin account*
17 *authorizations relative to any basin in which national*
18 *wild or scenic rivers areas are designated. The Na-*
19 *tional Wild and Scenic Rivers Review Board is*
20 *authorized and directed to conduct continuing compara-*
21 *tive studies which would measure the balance of benefits and*
22 *detriments of each national wild or scenic river area to the*
23 *State in which it is located, and to report to Congress, as*
24 *appropriate, recommendations to assure that, wherever it is*
25 *found that the reclamation of arid land would better serve the*

1 *public interest of such State, the same shall not be prejudiced*
2 *by the national wild or scenic rivers status of any stream.*
3 *SEC. 9. There are hereby authorized to be appropriated*
4 *such sums as may be necessary to carry out the provisions of*
5 *this Act.*

Amend the title so as to read: "A bill to reserve certain public lands for a National Wild and Scenic Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes."

Calendar No. 476

90TH CONGRESS
1ST SESSION

S. 119

[Report No. 491]

A BILL

To reserve certain public lands for a National Wild Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes.

By Mr. CHURCH, Mr. ANDERSON, Mr. BARTLETT, Mr. BAYH, Mr. BREWSTER, Mr. BURDICK, Mr. CASE, Mr. CLARK, Mr. COOPER, Mr. DODD, Mr. ERVIN, Mr. FONG, Mr. GRUENING, Mr. HART, Mr. INOUYE, Mr. JACKSON, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, Mr. LAUSCHE, Mr. LONG of Missouri, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. MILLER, Mr. MONDALE, Mr. MONTOYA, Mr. MORSE, Mr. MOSS, Mr. MUNDT, Mr. NELSON, Mr. PERCY, Mr. PROXMIRE, Mr. RIBICOFF, Mr. SCOTT, Mr. SYMINGTON, Mr. TOWER, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio

JANUARY 11, 1967

Read twice and referred to the Committee on Interior and Insular Affairs

AUGUST 4, 1967

Reported with amendments

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued August 8, 1967
For actions of August 7, 1967
90th-1st; No. 123

CONTENTS

HIGHLIGHTS: House committee reported peanut acreage allotment bill. House agreed to World Farm Center resolution. House subcommittee approved bill to permit advance payments to wheat producers.

SENATE

1. MEAT INSPECTION. Sen. Brewster added his name as a cosponsor and spoke in favor of S. 2147, the proposed Wholesome Meat Act of 1967, and inserted an editorial supporting his position. p. S11000

2. FORESTRY. Sen. Morse inserted a letter from the Forest Service which concerns "the status of comparative studies of allowable cutting rates and management planning methods used by the Forest Service, Bureau of Land Management, and Bureau of Indian Affairs." pp. S11055-6

3. RECLAMATION. Passed with amendment S. 1004, authorizing construction and operation of the Central Arizona project. pp. S11018-50, S11056-69

4. AIR POLLUTION. Sen. Boggs inserted an article, "Crisis in the Air from Cleveland to Los Angeles." pp. S10980-1

5. POVERTY. Sen. Nelson inserted an article describing the work of an OEO project, "Upward Bounders Study Conservation." pp. S10987-8

6. SMALL BUSINESS. Sen. Jackson commended the loan program of the Small Business Administration and cited an example of "how businessmen in the State of Washington are using sound business practices and innovative genius to promote both agriculture and industry in building a strong economy for our State." pp. S10988-9

7. BUDGET. Sen. Proxmire inserted an article which criticizes the estimates in the budget deficit, "Treasury Missed Tax Yield Guess--Fiscal Mystery is Blamed for Enlarging of Deficit in Federal Budget." pp. S10989-90

8. RESEARCH. Sen. Yarborough inserted a Tex. farm association resolution urging more State and Federal funds for agricultural research in Tex. p. S10992

9. HOUSING. Sen. Percy inserted an article, "Housing and Urban Development, 1967," and stated that the article is "an excellent short summary of the present status and prospects for Federal housing and urban development programs." pp. S11004-8

10. MINK IMPORTS. Sen. Bennett spoke in favor of his bill S. 1897, to limit duty-free imports of mink, and inserted a letter supporting this measure. pp. S11051-2

11. WILD RIVERS. Began consideration of S. 119, to reserve certain public lands for a national wild rivers system. pp. S11069-72

12. FEDERAL SPENDING. Sen. Miller inserted an article, "Taxes and Problem of Financing A War," and stated this article, "well points out the deep need for drastic reduction in nondefense spending and the establishment of priorities for our Federal Government's spending budget." pp. S11076-7

13. GEOTHERMAL STEAM. A subcommittee of the Interior and Insular Affairs Committee approved for full committee consideration with amendment S. 23, authorizing issuance of leases for development of geothermal steam on the public lands. p. D689

14. WHEAT ACREAGE. Sen. Jackson was added as a cosponsor to S. 1722, to amend the wheat acreage allotment provisions of the Agricultural Adjustment Act of 1938. p. S10977

HOUSE

15. PEANUTS. The Agriculture Committee reported H. R. 11565, to amend section 358 of the Agricultural Adjustment Act of 1938, as amended, to authorize the transfer of peanut acreage allotments (H. Rept. 539). p. H10048

project because of alleged damage to wildlife and fisheries interests, and the Department of the Interior's formula for "mitigation" of these resources so inflated the cost of the project that there was an adverse effect on economic feasibility. And although "conservationists" proclaimed through newspaper ads that the Hualapai Dam would "flood" the Grand Canyon (quite an engineering feat, if it were possible), the fact of the matter is that Hualapai Dam, would back water for only 13 miles along the border of the Grand Canyon National Park—and in an area that is not visible from any present public vantage point within the Grand Canyon.

Although dam building sadly seems to have fallen into disfavor in some quarters, I can remember when construction of dams was considered to be a blessing for an area. Growing up on the banks of the Tennessee River before the building of the TVA dams, I recall when the Tennessee River dried to practically a trickle near Chattanooga, while at other times large sections of the city were flooded by the rampaging river.

The building of Chickamauga Dam on the Tennessee River and other dams in the TVA system was regarded as one of the greatest things that had ever happened in the Tennessee Valley. And indeed it was. There was real drama in the damming up and controlling of this river. The lakes that were created by TVA dams made is possible to have water-based recreation on a scale that was never feasible heretofore. Fish thrived in TVA lakes, and boating became a popular sport. TVA dams won prizes for their outstanding architectural characteristics, and they were frequently the subject of magnificent photographs of real artistic merit.

Even today, some of those who oppose Hualapai Dam—and who have seen Glen Canyon Dam on the Colorado River—admit privately that Glen Canyon has actually enhanced the beauty of that stretch of the river.

REACTION IS MISPLACED

It is my belief that the reaction that has set in against dam building in reality is a misplaced reaction against the uglification that has taken place in so many aspects of American life. Many of us are repelled by the manner in which home builders have bulldozed trees and other natural vegetation, and have replaced wooded hills with monotonous lines of "cracker-box" houses. We are disgusted with the manner in which ostentatious hotels have taken over beautiful beaches. We are offended by the noxious fumes that are emitted from automobiles that choke our streets. We are revolted by the pollution of our rivers.

Nature deserves better at the hands of man, and we are frustrated that we are able to accomplish so little in correcting the abuses which violate our sensitivity every day of the year.

But I ask those who regard themselves as conservationists: Are you focusing on the really important issues in opposing dams that are located away from population centers, and that actually enhance the opportunity for mankind to enjoy nature? Wouldn't your efforts be spent to better advantage if you directed your ire at the developers who destroy the trees in areas where people live . . . the auto manufacturers who have done little to curb air pollution . . . the industries that have polluted our rivers . . . and the entrepreneurs who have decimated our beaches? It is these who do violence to the environment where people spend virtually all of their time—an environment that is infinitely more important to far more people than the wilds of Alaska or the treacherous waters of the Colorado River.

Yes, we need to preserve the beauty of nature in remote areas that people must journey to enjoy. But in my opinion the vastly more important need is to preserve the beauty of nature in the environment where people live and work. People should be able to live in surroundings of natural beauty; they should not have to travel hundreds of miles to enjoy nature.

HYDRO IS RENEWABLE ENERGY SOURCE

Those who are interested in conservation might also take note of the fact that the production of electric power by falling water is our only renewable energy source. The failure to build Hualapai Dam or the Rampart Canyon project does not diminish the need for electric power by one kilowatt-hour; the need will remain, and it will be filled by the burning of coal or uranium—both of which are not renewable energy sources, and both of which, unfortunately, add somewhat, at this time, to environmental pollution problems.

Opponents of dam building have somehow gotton the notion that nuclear power has made hydroelectric power obsolete or old fashioned. It is true, of course, that hydroelectric power does not have the capacity to provide all or even a major portion of our energy requirements. But where hydro power can be developed in a feasible manner, it would seem to me to be contrary to the principle of conservation to burn other fuels as a substitute for our only non-polluting, renewable energy resources.

It should also be kept in mind that hydroelectric power projects also are especially valuable in providing more reliable electric service (as was pointed out by FPC in connection with the Northeast blackout of November, 1965), and they will become increasingly valuable for storage of water—at a time when water supplies are becoming ever more critical.

Hydroelectric dam building is far from being obsolete, and I am confident that in time the present trend will be reversed.

Mr. KUCHEL. Mr. President, the bill, in my opinion, will not become the law of this land. But I pledge myself, as a Senator and as a Californian, to stand ready to assist, as best I can, in accomplishing constructive legislation by which the people of Arizona may have more water brought to them and by which the people of the other basin States also may participate in an augmentation program, rather than in a program of dividing scarcities and shortages.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1004) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MAGNUSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the senior Senator from Arizona [Mr. HAYDEN], the patriarch of the Senate, has consistently supported projects that have sought to develop and preserve the Nation's resources. The fact that the project just authorized overwhelmingly by the Senate benefits his own State merely emphasizes his continuing and abiding interest in natural resources.

Over the years, Senator HAYDEN's broad and deep understanding of the Nation's resources problems has benefitted the Senate time and time again. Whether it was for the improvement of rivers and harbors, for the establishment of parks and recreation facilities, for flood control, or, as here, for the development and utilization of a waterway, Senator HAYDEN has always lent his valuable and tireless efforts and energy to the endeavor. He is to be commended today for another outstanding achievement. Without his splendid support, this measure unquestionably would not have received such favorable and decisive Senate approval. We are most grateful.

Of course, the interests of some of the other affected States were ably represented by the distinguished senior Senator from Colorado [Mr. ALLOTT]. He envisioned and advocated a program of much broader scope—a program which the Senate apparently does not favor at the present time. This in no way reflects upon the high caliber of his presentation or even the merits of the program he seeks. Senator ALLOTT, like Senator HAYDEN, is highly informed about matters of this nature and the Senate always welcomes his views. He is to be commended for the clarity of his argument and for the sincerity of his views—urging them strongly but in no way inhibiting the Senate's efficient disposition of the measure.

The distinguished junior Senator from Arizona [Mr. FANNIN] played a vital role in assuring favorable action. He displayed a deep understanding of all of the issues involved and expressed his interest clearly, concisely, and very persuasively. He too is to be commended for representing so well the people of his State.

The senior Senator from California [Mr. KUCHEL] contributed immensely to the discussion. He also urged his own strong and sincere views but in no way inhibited Senate action. As the ranking minority member of the committee, he, as much as any Member of this body, appreciates the importance of this Nation's resources, their preservation and their proper use. The distinguished chairman of the committee, the junior Senator from Washington [Mr. JACKSON] offered his capable and outstanding talents in the consideration of this measure. He likewise is to be commended for his support and splendid advocacy.

Adding their wisdom to the discussion were the junior Senator from Utah [Mr. MOSS], and the senior Senator from New Mexico [Mr. ANDERSON]. They and many others displayed their ingenuity and initiative in the discussion and we are most grateful. The leadership wishes to commend all Senators for joining to assure final action on this measure today so that we may continue on with the legislative program, disposing of as many major items as possible before the Labor Day recess.

WILD AND SCENIC RIVERS ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 476, S. 119. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be read by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 119) to reserve certain public

lands for a national wild rivers system, to provide a procedure for adding additional public and other lands to the system, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, to strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Wild and Scenic Rivers Act".

STATEMENT OF POLICY

SEC. 2. (a) The Congress finds that some of the free-flowing rivers of the United States and related adjacent land areas possess outstanding scenic, fish, wildlife, and outdoor recreation values of present and potential benefit to the American people. The Congress also finds that our established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes. It is the policy of Congress to preserve, develop, reclaim, and make accessible for the benefit of all of the American people, selected parts of the Nation's diminishing resource of free-flowing rivers. For this purpose there is hereby established a National Wild and Scenic Rivers System to be composed of (a) the areas designated by this Act or subsequent Acts as "national wild river areas" and "national scenic river areas," and (b) those State or locally administered wild or scenic river areas designated by the Secretary of Interior as part of the system. Areas designated as national "wild" or "scenic" river areas by subsequent Acts of Congress shall be administered in accordance with the provisions of this Act unless the subsequent Acts provide otherwise.

DEFINITION OF WILD RIVER AREA

(b) A wild river area eligible to be included in the System is a stream or section of a stream, tributary, or river—and the related adjacent lands—located in a sparsely populated, natural, and rugged environment where the river is free flowing and unpolluted, or where the river should be restored to such condition, in order to promote sound water conservation, and promote the public use and enjoyment of the scenic, fish, wildlife, and outdoor recreation values.

DEFINITION OF SCENIC RIVER AREA

(c) A scenic river eligible to be included in the System is a stream or section of a stream, tributary, or river—and the related adjacent lands—that is unpolluted and should be left in its pastoral or scenic attractiveness, or that should be restored to such condition, in order to protect, develop, and make accessible its significant national outdoor recreational resources for public use and enjoyment.

NATIONAL WILD RIVERS

SEC. 3. (a) The following rivers, or segments thereof, and related adjacent lands, are hereby designated as "national wild river areas":

(1) Salmon, Middle Fork, Idaho—from its origin to its confluence with the main Salmon River.

(2) Clearwater, Middle Fork Idaho—the Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin.

(3) Rio Grande, New Mexico—the segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River.

(4) Saint Croix, Minnesota and Wisconsin—the segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from its confluence upstream with the Saint Croix to the dam near Trego, Wisconsin.

(5) Wolf, Wisconsin—From Langlode-Menominee County Line downstream to Keshena Falls.

(6) Rogue, Oregon—The segment of the river extending from the mouth of Graves Creek downstream to river mile 38, below Flea Creek.

(7) Illinois, Oregon—The segment of the river extending from Briggs Creek downstream to Lawson Creek.

NATIONAL SCENIC RIVERS

(b) The following rivers, or segments thereof, and related, adjacent lands, are hereby designated as "national scenic river areas":

(1) Saint Croix, Wisconsin and Minnesota—downstream from the dam near Taylors Falls, Minnesota, to its confluence with the Mississippi River.

(2) Eleven Point, Missouri—the segment of the river extending downstream from Thomasville to State Highway 142.

(3) Rogue, Oregon—the segment of the river extending from the mouth of the Applegate River, downstream to the mouth of Graves Creek; and that segment of the river extending from river mile 38 below Flea Creek downstream to the Lobster Creek Bridge.

(4) Illinois, Oregon—that segment of the river extending from the mouth of Deer Creek, downstream to Briggs Creek; and that segment of the river extending from Lawson Creek downstream to its confluence with the Rogue.

(5) Namekagon, Wisconsin—that section of the river extending from Lake Namekagon downstream to the dam near Trego, Wisconsin.

FEDERAL-STATE PLANNING FOR ADDITIONS TO SYSTEM

SEC. 4. (a) The Secretary of the Interior, and the Secretary of Agriculture where national forest lands are involved, after consultation with interested Federal agencies, are directed to consult with the Governors and officials of the States in which the rivers listed below are located to ascertain whether a joint Federal-State plan is feasible and desirable in the public interest to conserve segments of these rivers. The appropriate Secretary shall submit to the President within five years from the date of enactment of this Act his recommendations for inclusion of any or all of them in the National Wild and Scenic Rivers System, and the President shall submit to the Congress his recommendations for such legislation as he deems appropriate:

(1) Salmon, Idaho—from the town of North Fork downstream to its confluence with the Snake River.

(2) Buffalo, Tennessee—the entire river from its beginning in Lawrence County to its confluence with the Duck River.

(3) Big Fork, Minnesota—the entire river.

(4) Hudson, New York—the segment of the main stem extending from its origin in the Adirondack Park downstream to the vicinity of the town of Luzerne: Boreas River from its mouth to Durgin Brook; Indian River from its mouth to Abanakee Dam; and Cedar River from its mouth to Cedar River flow.

(5) Missouri, Montana—the segment upstream from Fort Peck Reservoir toward the town of Fort Benton.

(6) Niobrara, Nebraska—the mainstem segment lying between the confluence of Antelope Creek downstream to the headwaters of the proposed Norden Reservoir east of the town of Valentine, and the lower eight miles of its Snake River tributary.

(7) Skagit, Washington—the Skagit from the town of Mount Vernon upstream to Gorge powerhouse near the town of Newhalem; the Cascade River from its mouth to the confluence of the North and South Forks; the Sauk from its mouth to Elliott Creek; and the Suiattle from its mouth to Milk Creek.

(8) Susquehanna, New York and Pennsylvania—the segment of the Susquehanna River from a dam at Cooperstown, New York, downstream to the town of Pittston, Pennsylvania.

(9) Suwannee, Georgia and Florida—entire river from its source in the Okefenokee Swamp in Georgia to the gulf, and the outlying Ichetucknee Springs, Florida.

(10) Youghiogheny, Maryland and Pennsylvania—from Oakland, Maryland, to the Youghiogheny Reservoir, and from the Youghiogheny Dam downstream to the town of Connellsville, Pennsylvania.

(11) Little Miami, Ohio—the segment of the Little Miami River in Clark, Greene, Warren, and Clermont Counties from a point in the vicinity of Clifton, Ohio, downstream to a point in the vicinity of Morrow, Ohio.

(12) Little Beaver, Ohio—the segment of the North and Middle Forks of the Little Beaver River in Columbiana County, from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.

(13) Maumee, Ohio—from Perrysburg, Ohio, to Fort Wayne, Indiana.

(14) Pine Creek, Pennsylvania—the segment from Ansonia, Pennsylvania, to Waterville, Pennsylvania.

(15) Delaware, Pennsylvania and New York—the segment from Hancock, New York, to Matamoras, Pennsylvania.

(16) Allegheny, Pennsylvania—the segment from the Allegheny Reservoir at Kinzua, Pennsylvania, to Tionesta, Pennsylvania, and then from Franklin, Pennsylvania, to East Brady, Pennsylvania.

(17) Clarion, Pennsylvania—the segment from where it enters the Allegheny River to Ridgway, Pennsylvania.

(18) West Branch Susquehanna, Pennsylvania—the segment of the West Branch Susquehanna from Clearfield, Pennsylvania, to Lock Haven, Pennsylvania.

(19) Chattooga, North Carolina, South Carolina and Georgia—the entire river.

(20) Flathead, Montana—the North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

(21) Gasconade, Missouri—the entire river.

(22) Guadalupe, Texas—the entire river.

(23) Klamath, California—the segment from Scott River downstream to a point two miles upstream from United States 101 crossing.

(24) Penobscot, Maine—its east and west branches.

(25) Pere Marquette, Michigan—the entire river.

(26) Upper Iowa, Iowa—the entire river.

(27) Feather, California—the Middle Fork.

(b) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild or scenic river areas, and all river basin and project plan reports submitted to the Congress shall consider and

discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which aditional wild or scenic river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternatives uses of the water and related land resources involved.

(c) The Secretary of the Interior and the Secretary of Agriculture shall also submit, in accordance with the procedures and requirements of this section, to the President from time to time their recommendations for inclusion in the National Wild and Scenic Rivers System of any other river or segment thereof. The President shall submit to the Congress his recommendations for such legislation as he deems appropriate.

(d) Recommendations made under this section shall be developed in consultation with the States, those Federal agencies which normally participate in the development of recreation plans and comprehensive river basin plans, any commissions established pursuant to interstate compacts the assigned responsibilities of which would be affected, commission or other bodies which may be established for the purpose of developing a comprehensive plan for the river basin within which the comtemplated national wild or scenic river area would be located, and the public through local public hearings. Each such recommendation shall be accompanied by (1) expressions of any views which the agencies and States consulted pursuant to the foregoing may submit: *Provided,* That no river or portion of any river shall be added to the National Wild and Scenic Rivers System subsequent to enactment of this Act until the close of the next full session of the State legislature, or legislatures in case more than one State is involved, which begins following the submission of any recommendation to the President with respect to such addition as herein provided, (2) a statement setting forth the probable effect of the recommended action on any comprehensive river basin plan that may have been adopted by Congress or that is serving as a guide for coordinating Federal or Federal and State programs in the basin, and (3) in the absence of such plan, a statement indicating the probable effect of the recommended action on alternative beneficial uses of the resources of the basin.

REPORT ON LAND ACQUISITION

(e) Any recommendation for an addition to the National Wild and Scenic Rivers System shall indicate the extent to which land will need to be acquired by the State and by the Federal Government, and the extent to which the acquisition of scenic easements or other interests in land may be an adequate substitute for the acquisition of a fee title.

ADMINISTRATION OF SYSTEM

SEC. 5. (a) The Secretary charged with the administration of each national wild or scenic river area, or portion thereof, shall establish detailed boundaries for such areas, within the limits set by this Act. Such boundaries may be revised from time to time, but may not include on both sides of the stream, tributary, or river a total of more than three hundred and twenty acres per mile. The appropriate Secretary shall publish notice of detailed boundaries in the Federal Register, together with appropriate descriptions, and shall make such official boundary description available to the public through appropriate Federal, State, and local agencies.

(b) National wild and scenic river areas designated by Acts of Congress shall be administered by the Secretary of the Interior, except that when the national wild or scenic river area is wholly within, partly within, or closely adjacent to, a national forest such area shall be administered by the Secretary of Agriculture unless it is also partly within, or closely adjacent to an area administered by the Secretary of the Interior, in which event administration over the river area shall be determined as agreed upon by the Secretary of the Interior and the Secretary of Agriculture, or as directed by the President. The Secretary charged with the administration of a national wild or scenic river area or portion thereof, may enter into written cooperative agreements with the Governor of the State, or other appropriate local official, for State or local governmental participation in the administration of the area. The States shall be encouraged to cooperate in the planning and administration of such areas where they include State-owned lands. Any Federal land located within a national wild or scenic river area may, with the consent of the agency having jurisdiction thereof, be transferred to the jurisdiction of the appropriate Secretary or State for administration as part of the area.

(c) Each component of the National Wild and Scenic Rivers System shall be administered in such manner as to protect and enhance the values which caused it to be included in said System, without prohibiting the construction of roads or bridges, timber harvesting and livestock grazing, and other uses that do not substantially interfere with public use and enjoyment of these values. In such administration, priority emphasis shall be given to protecting its esthetic, scenic, historic, fish and wildlife, archeologic, scientific, and recreational features, based on the special attributes of the area. In order to accomplish these purposes, the Secretary of the Interior may utilize any authority he has under other provisions of law with respect to rights-of-way, easements, and enforcement of rules and regulations.

The Secretary of Agriculture, in administering a national wild or scenic river area, shall utilize the statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(d) Within the exterior boundaries of a national wild or scenic river area, the Secretary of the Interior or the Secretary of Agriculture may acquire lands or interests therein by donation, purchase with donated or appropriated funds, exchange, or otherwise: *Provided,* That on both sides of the stream, tributary, or river a total of not more than one hundred acres per mile may be acquired in fee under authority of this Act, except that the appropriate Secretary may acquire the portion of any individual tract of land which lies outside of the boundaries of a national wild or scenic river area, with the consent of the owner, in order to avoid the payment of severance costs: *Provided further,* That neither Secretary may acquire lands, waters, or interests therein by condemnation without the owner's consent when 50 per centum or more of the acreage within the entire national wild or scenic river area is owned by Federal, State, or local governmental agencies, but this limitation shall not apply to the acquisition of scenic easements. Lands owned by a State may be acquired only with the consent of the owner. Lands owned by an Indian tribe may be acquired only with the consent of the tribal governing body. In the exercise of his exchange authority, the Secretary of the Interior may accept title to any non-Federal property within a national wild or scenic river area, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction within the State in which the river or segment thereof runs, except lands within the national park system, the national wildlife refuge system, or revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands, which he classifies as suitable for exchange or other disposal. The properties so exchanged shall be of approximately equal fair market value. If they are not of approximately equal fair market value, the Secretary of the Interior shall accept cash from, or pay cash to, the grantor in order to equalize the values of the properties exchanged. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands. Any such lands acquired by the Secretary of Agriculture within or adjacent to a national forest shall upon acquisition become national forest lands. Money appropriated for Federal or State purposes from the land and water conservation fund shall be available for the acquisition of property for the purposes of this Act.

(e) As used in this Act the term "scenic easement" means the right to control the use of land (including the air space above such land) for the purpose of protecting the scenic view from the river, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement.

(f) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild or scenic river area, if such lands are located within any incorporated city, village, or borough when such entities shall have in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act.

(g) Neither the Secretary of the Interior nor the Secretary of Agriculture may exercise any authority to acquire county-owned lands within any national wild or scenic river area without the consent of said county as long as the county is following a plan for the management, zoning, and protection of such lands that conforms with the purposes of this Act.

(h) (1) In order to carry out the provisions of subsections (f) and (g), the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this Act.

(2) The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this Act, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

(i) (1) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition, may retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, or the death of either of them. The owner shall elect the term to be reserved. The appropriate Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(2) A right of use and occupancy retained pursuant to this subsection shall be subject to termination whenever the Secretary is given reasonable cause to find that such use and occupancy is being exercised in a manner which conflicts with the purposes of this Act. In the event of such a finding, the Secretary shall tender to the holder of that right an amount equal to the fair market value of

that portion of the right which remains unexpired on the date of termination. Such right of use or occupancy shall terminate by operation of law upon tender of the fair market price.

(3) The term "improved property", as used in this Act, shall mean a detached, one-family dwelling (hereinafter referred to as "dwelling"), the construction of which was begun before January 1, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the appropriate Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structure accessory to the dwelling which are situated on the land so designated.

(j) No lands, waters, or interests therein other than scenic easements may be administered under this Act as a part of the National Wild and Scenic Rivers System if such lands, waters, or interests were acquired by a State under its power of condemnation for the specific purpose of making such lands, water, or interests therein a part of the National Wild and Scenic Rivers System under this Act.

SPECIAL PROVISIONS

SEC. 6. (a) Except as specifically authorized by the Congress, the Federal Power Commission shall not authorize the construction, operation, or maintenance in any national wild or scenic river area of any dam or other project work under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.): *Provided,* That the provisions of that Act shall continue to apply to any project, as defined in that Act, already constructed or under license to be constructed.

(b) Except as specifically authorized by the Congress, the Federal Power Commission shall not authorize the construction, operation, or maintenance of any dam or other project work under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.); on any river, or segment thereof, listed in section 4, subsection (a), during the five-year period following enactment of this Act unless, prior to the expiration of said period, the Secretary of the Interior or the Secretary of Agriculture, on the basis of study, concludes that such river should not be included in the National Wild and Scenic Rivers System and publishes notice to that effect in the Federal Register: *Provided,* That the provisions of that Act shall continue to apply to any project, as defined in that Act, already constructed or under license to be constructed.

(c) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within the National Wild and Scenic Rivers System, except that all mining claims located after the effective date of this Act shall be subject to such regulations as the Secretary of the Interior, or the Secretary of Agriculture in the case of national forest lands, may prescribe to effectuate the purposes of this Act. Any patent issued shall recite this limitation. All such regulations shall provide among other things for safeguards against pollution of the river.

(d) Any portion of a national wild or scenic river area that is within the national wilderness preservation system, as established by the Act of September 3, 1964 (Public Law 88-577), shall be subject to the provisions of both the Wilderness Act and this Act with respect to the preservation of such a national wild or scenic river area, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(e) The head of any Federal, State, or local agency administering a national wild or scenic river area shall cooperate with the Secretary of the Interior, and with the appropriate State water pollution control agencies, for the purpose of eliminating or diminishing the pollution of waters within a national wild or scenic river area.

(f) The jurisdiction of the States and the United States over waters of any stream included in a national wild or scenic river area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the National Wild and Scenic Rivers System shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(g) Nothing in this Act shall affect the jurisdiction or responsibilities of the States under other provisions of law with respect to fish and wildlife.

(h) Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the National Wild and Scenic Rivers System.

(i) Nothing in this Act shall affect existing rights of any State, including the right of access, with respect to the beds of navigable streams, tributaries, or rivers (or segments thereof) located in a national wild or scenic river area.

(j) Designation of any stream or portion thereof as a national wild or scenic river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.

(k) The jurisdiction of the States over waters of any stream included in a national wild or scenic river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

STATE AND LOCAL WILD AND SCENIC RIVERS

SEC. 7. (a) The Secretary of the Interior is directed to encourage and assist States to consider, in their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs an opportunities for establishing State, interstate, and local wild and scenic river areas. He is further directed, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), to provide technical assistance and advice to, and cooperate with, States, interstate agencies, political subdivisions, and nonprofit private organizations, with respect to establishing such wild or scenic river areas.

(b) The Secretary of Agriculture is directed in accordance with the authority vested in him to assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such wild or scenic river areas.

(c) Upon application of the Governor of the State for the designation of the Allagash Wilderness Waterway in Maine or the segment of the Wolf River in Langlade County, Wisconsin, as part of the National Wild and Scenic Rivers System, the Secretary of the Interior may make such designation if the State or local agency administering the area agrees to manage and protect it in a manner satisfactory to the Secretary.

(d) Upon application of the Governor of a State for the designation of any additional State or local wild or scenic river area as part of the National Wild and Scenic Rivers System, the Secretary may make such designation, after consultation with interested Federal agencies, if the State, interstate, or local agency administering the area agrees to manage and protect it in a manner satisfactory to the Secretary.

SEC. 8. In recognition of the fact that changes may occur in the circumstances of national wild or scenic river areas included in the National Wild and Scenic Rivers System or in the needs for the resources associated with such areas, which will require future Congresses to make changes in the system, and in order to assure that the Congress is kept informed of such changes in circumstances or needs, there is created a National Wild and Scenic Rivers Review Board, to make review and furnish reports to the Congress as hereinafter provided.

The National Wild and Scenic Rivers Review Board shall consist of the Secretary of the Interior, who shall be its Chairman, the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the Governors of the several States for the purpose of consideration of the status of any national wild or scenic river area included within the National Wild and Scenic Rivers System which lies within their States.

Within sixty days after the convening of a new Congress, commencing with the second Congress after the enactment of this Act, the National Wild and Scenic Rivers Review Board shall file a report and recommendations with the President of the Senate and with the Speaker of the House of Representatives. Such report shall contain a discussion of any significant developments since the date of enactment of the Act, or since the last report, including but not limited to the following subjects: Technology of passage of fish over dams; status and trends of anadromous fish runs; activities by way of construction or otherwise pursuant to international agreements relating to any basin in which national wild or scenic rivers areas are designated; projected national, regional, or local demand for additional electrical generating capacity, particularly as related to existence or possibility of declarations of national emergency; and Federal or State legislative changes which affect the financing of river or reclamation development projects, including basin account authorizations relative to any basin in which national wild or scenic rivers areas are designated. The National Wild and Scenic Rivers Review Board is authorized and directed to conduct continuing comparative studies which would measure the balance of benefits and detriments of each national wild or scenic river area to the State in which it is located, and to report to Congress, as appropriate, recommendations to assure that, wherever it is found that the reclamation of arid land would better serve the public interest of such State, the same shall not be prejudiced by the national wild or scenic rivers status of any stream.

SEC. 9. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. MANSFIELD. Mr. President, there will be no action on this measure tonight, so there will be no further voting tonight.

STATEMENT BY CHAIRMAN OF COMMITTEE ON THE DISTRICT OF COLUMBIA SUPPORTING REORGANIZATION PLAN NO. 3 TO MAKE THE DISTRICT OF COLUMBIA GOVERNMENT MORE EFFICIENT AND EFFECTIVE

Mr. BIBLE. Mr. President, this week the Congress has a great opportunity to

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

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OFFICIAL BUSINESS

POSTAGE AND FEES PAID
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OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued August 9, 1967
For actions of August 8, 1967
90th-1st; No. 124

CONTENTS

HIGHLIGHTS: House committee reported Appalachia bill. Senate passed wild rivers bill.

SENATE

1. WILD RIVERS. Passed, 84-0, with amendment S. 119, to reserve certain public lands for a national wild rivers system. pp. S11120-30

2. PRICE SUPPORTS. Sen. Hansen urged a cut in "our current farm programs and to the funds--nearly $2 billion in 1966--paid directly to wheat and feed grain producers in the form of price supports and diversion payments." p. S11130

3. ECONOMY; TAXATION. Sen. Young, Ohio, recommended against with the President's tax proposal. p. S11092

4. FOREIGN AID. Sen. Long, Mo., discussed future world food needs and stated, "I am convinced that the key point around which our agricultural aid must be built is a sound and effective technical assistance program. To achieve this goal I believe there must be a step-up in the number of U. S. farm experts sent to help combat starvation in less developed countries." pp. S11100-1

5. TAX SHARING. Sen. Baker inserted several statements setting forth "specific recommendations concerning the relationship between the National Government and the cities," and urging a tax-sharing program. pp. S11101-3

6. EXPORT-IMPORT BANK. Began consideration on S. 1155, extending period within which the Export-Import Bank is authorized to exercise its function, to increase the bank's lending authority and its authority to issue, against fractional reserves, export credit insurance and guarantees. pp. S11133, S11163-78

7. APPROPRIATIONS. As reported (Aug. 4) H. R. 10738, the Department of Defense appropriation bill, 1968 provides for the inclusion of certain synthetic fabrics under the "buy-American" provision regarding food, clothing, cotton, wool, etc. The committee report also states, "In view of the fact that the price of milk received by our dairy farmers is considerably less than parity and that the Commodity Credit Corporation is again accumulating stocks of dairy products, the committee recommends that serious consideration be given by the Department of Defense to make dairy products available to all personnel in our Armed Forces."

HOUSE

8. APPALACHIA. The Public Works Committee reported with amendment S. 602, to revise and extend the Appalachian Regional Development Act of 1965 and to amend title V of the Public Works and Economic Development Act of 1965 (H. Rept. 548). p. H10172

9. RECLAMATION. The Rules Committee reported resolutions for the consideration of H. R. 43, to authorize the construction, operation, and maintenance of the San Felipe division, Central Valley project, Calif., and H. R. 845, to authorize the construction, operation, and maintenance of the Nebraska mid-state division, Missouri River Basin project. p. H10172

10. STANDARD REFERENCE DATA. The Rules Committee reported a resolution for the consideration of H. R. 6279, to provide for the collection, compilation, critical evaluation, publication, and sale of standard reference data. p. H10172

11. APPROPRIATIONS. Agreed to the conference report on S. 1296, the NASA appropriation authorization bill which includes research on control of weather, forest fires, pollution, pests, etc. This bill will now be sent to the President. pp. H10054-60

12. RECREATION. A subcommittee of the Interior and Insular Affairs Committee approved for full committee action H. R. 1340, to authorize Interior to accept donations of land for, and to construct, administer, and maintain an extension of the Blue Ridge Parkway in N. C. and Ga.; and H. R. 4739, amended, to

tion Agreement, which, by pointedly favoring Negroes for future apprentice training and on-the-job promotion, made a new kind of discrimination official policy. "Shipyard in South Induced to Make Up for Past Bias," read the headline. Since then, in the words of an old hand at the yard, EEOC has done its worst to "set black against white, labor against management and disconcert everybody." In the alien world of bureaucracy, size is no measure of virulence.

Labor-management relations at Newport News Ship began to suffer in mid-1965, shortly after the Equal Employment Opportunity Commission set up shop. The company, which does roughly half a billion dollars worth of work per year, largely for the Navy or the subsidized merchant marine, was a logical target. It's also located in the South. The Commission swiftly set about building a case. According to our man in Washington (actually a charming lady named Shirley Scheibla, who was born and raised in Newport News), EEOC that summer began knocking on doors in Negro neighborhoods soliciting complaints of job discrimination. It managed to get 41, which, for one reason or another, ultimately narrowed down to four. Thus armed, EEOC began to negotiate with the company. After months of fruitless disussion, Washington got tough. Pleading a "pattern of disrimination," EEOC took the dispute to the Justie Department. At the same time, Labor Secretary W. Willard Wirtz ordered the newly organized Office of Federal Contract Compliance to crack down on the yard. A week later the company caved in and signed the notorious Conciliation Agreement, which some have called a "landmark in fair employment practices."

That's one way to describe a document which, in barring discrimination, moved to substitute favoritism. Thus, Newport News Shipbuilding agreed to hire an outside "expert in job evaluation . . . who is acceptable to the Commission" to determine whether Negro employes are improperly classified or working at rates set arbitrarily low. To arrive at his findings, the "expert" took a "random sample" of white employment histories, and, if a Negro worker's status lagged behind the resulting profile, he was deemed a victim of discrimination. Presumably to compensate for past sins, the company had to draw up a preferred promotion list consisting solely of Negroes (exceptions had to be cleared with the Commission). As to apprentice training, a company-run school, once the community's pride, was compelled to drastically change its admission practices. Though the number of applicants traditionally has far outstripped the available openings, Newport News Ship undertook to seek recruits in Negro schools and through civil rights groups. It also accepted a quota system under which "the ratio of Negro to white apprentices in any given year should approach the ratio of . . . Negro to white in the labor area."

The first outraged reaction came from the unaffiliated Peninsula Shipbuilders Association, which, though the recognized bargaining agent for most of the 22,000-man work force, was not consulted. Though subsequently made a party to the pact, the union has never overcome its resentment. Two months ago P.S.A., denouncing a Labor Department release on the company's promotion practices as self-serving and false, threatened legal action to set the record straight. The white community—Newport News Ship is far and away the leading local industry—has been equally aggrieved. One graduate of the Apprentice School wrote the local newspaper to protest against the lowering of admission standards to which, he argued, a quota system inevitably would lead. Another reader, the Rev. Richard B. Sisson of Hampton Roads, put the issue squarely in the moral realm. "I am for equal opportunity for all citizens in school, jobs, housing and all other matters. That is why I find the terms dictated by the government to the shipyard odious. The quota system is just as iniquitous as the exclusion of Negroes some have charged the Yard with practicing previously. . . . It will result in very definite de facto discrimination against whites, Indians, Asiatics and all other non-Negroes. Two wrongs do not make a right."

Even the Negroes, in whose behalf the whole exercise presumably was launched, have wound up frustrated and angry. Like all demagogues, the Equal Employment Opportunity Commission promised far more than it has been able to deliver. "You need a militancy in this community," Samuel C. Jackson, former NAACP bigwig and current EEOC Commissioner, told an audience in Hampton Roads. Thanks to official action, he added, 5,000 of the company's 5,800 Negro workers would get "substantial raises." Instead, according to the union, such rewards have gone to precisely 155. While trying to mind somebody else's business, moreover, the Commission has failed to attend to its own; some 78 cases of alleged discrimination brought by the union have dragged on far beyond the statutory 60 days. Linwood Harris, Negro co-manager of the Peninsula Shipbuilders Association, represents the voice of the people: "The good the EEOC has done," he told Barron's prior to the strike, "is minute and not worth it because of the bad they've done."

Newport News is a relatively small place (though the company happens to be the sole remaining builder of U.S. capital ships). Yet what has happened there is a matter of national concern. Emboldened by its "success," EEOC is moving aggressively against other leading corporations. President Johnson has asked Congress to grant the agency power to issue cease-and-desist orders. Instead, to judge by the dismal record, we urge the lawmakers to hand down a stop order of their own.

DISTRICT OF COLUMBIA GOVERNMENT REORGANIZATION

Mr. SPONG. Mr. President, unless one House of Congress passes a disapproval resolution, the President's reorganization plan for the District of Columbia government will go into effect this Friday, August 11.

Washington, D.C., is the ninth largest city in the Nation. It shares in the problems common to all our urban areas. And, it needs new means and help in meeting its problems. The President's proposal is one such means at hand.

The President's proposed reorganization plan would consolidate executive power in a single Commissioner and would authorize a Council to carry out the rule- and regulation-making functions which the Congress over the years has delegated to the three Commissioners. It should be emphasized, I believe, that the reorganization plan will not and cannot change the constitutional authority which the Congress has over the District. Under the reorganization plan, the Congress will continue to have the lawmaking, taxing, appropriations and general oversight authority which it has always had over the District. The single Commissioner and the Council will simply assume the powers which the Congress has delegated to and which the Congress can, at any time, recall from the District government. It is felt that the single Commissioner and the Council will, however, be able to carry out these duties more effectively and more efficiently than the three Commissioners, with their divided executive powers. One Commissioner now is responsible for public safety, another for health and welfare, and a third for public works. The District's problems do not, however, fall neatly into these categories. Instead, they overlap.

I do not believe that the reorganization plan is a panacea for all the District's urban ills, nor do I believe that it is necessarily the only plan which would aid in solving the District's problems. It does, however, present an immediate possibility for improving the operation and effectiveness of the District government. I hope that the Congress will permit the plan to become effective and that the House and Senate District Committees and the House and Senate Appropriations Subcommittees will review the operation of the plan at the end of a 6-month or a year period to determine whether or not it has accomplished its purposes and what modifications might be in order. In light of the fact that almost every major city in the Nation has turned from the commission form of local government, I feel that the Congress should permit the single executive type of government in the District of Columbia. In this way, the District will benefit from having the same type of government which has proved itself in our other urban areas while preserving the special relation which exists between the Congress and the Nation's Capital City. Finally, not only the District itself, but the entire metropolitan area should benefit from a streamlined District government which can work more efficiently with neighboring jurisdictions in solving the problems which overspan political boundaries—problems such as air and water pollution, transportation and communications—all of which require the concerted efforts of various local governmental bodies for solution.

FLEXIBLE POLICY NEEDED FOR NEGOTIATIONS WITH HANOI

Mr. HARTKE. Mr. President, there is a very practical reason for keeping a flexible policy regarding negotiations with Hanoi, for taking the initiative toward negotiation any time we can. That practical reason is the encouragement of those in Hanoi who are more flexible. The debate in Hanoi is the subject of Mr. Joseph Kraft in his Washington Post article of July 16, 1967. He says:

> Even the most marginal expression of interest in negotiation from Hanoi should be taken seriously in a way that encourages Communist advocates of political settlement to push forward toward the compromise that still offers the only prospect for an early exit to the awful war.

I believe that Mr. Kraft makes a very important point for our consideration. I ask unanimous consent that his entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DEBATE IN HANOI: UNITED STATES MUST RESPOND TO ANY OVERTURE IN EFFORT TO ENCOURAGE ADVOCATES OF SETTLEMENT

(By Joseph Kraft)

Recurrent signs indicate that among top leaders in Hanoi, even as in Washington and Saigon, there is an active argument about the Vietnamese war. And while the

evidence is fragmentary and the policy implications for this country unclear, two conclusions are suggested by the most recent developments in the Hanoi debate.

First, in order to underline the difference between the two wars, it makes sense for the United States to scale down the bombing of North Vietnam as it intensifies military pressure in South Vietnam. Second, since openings for talks are bound to be marginal, it makes sense for this country to approach them in the spirit of what is called the "Trollope Ploy."

The most recent bit of important evidence in the Hanoi debate is a long article by Lt. Gen. Van Tien Dung, the chief of staff of the North Vietnamese army. As might be expected, Gen. Dung presents the case for the prosecution. He wants the war to go on in the worst kind of way.

As a result of the war, Dung claims, North Vietnam has become "more powerful than ever before"; there has been dealt a "serious blow at the modern U.S. Air Force," and the United States has been "driven into political isolation . . . all over the world."

Apart from this big plug for the war, Dung is at great pains to head off any thought of an approach different from the present slogging war of attrition. He asserts over and over again, as the nub of his argument, that the war in the North "will only end when the U.S. local war of aggression in the South is completely defeated."

He writes off the jet aircraft and missiles which the Soviet Union is supplying as "not omnipotent" and "limited." He scouts American offers to talk as "psychological warfare" designed to "spread the illusion about peaceful negotiations."

The extravagance of Gen. Dung's claim for the war combines with the vehemence of his attacks on any other course—and especially on the "illusion of peaceful negotiations"—to convince most American analysts that his article represents one side of the argument in Hanoi. With one side known, it is possible to reconstruct the other side. The more so as Gen. Dung's contemptuous reference to what the Russians can give suggests that they are using their leverage on behalf of the other side.

The other side in the debate, whoever its spokesman may be, apparently begins with the notion that unification might be achieved by political as well as military means. That is what Gen. Dung calls "illusions of peaceful negotiations."

As bait for the political approach, the anti-Dung faction is also apparently arguing that it would be possible to end the American bombing of the North without compromising the struggle in the South. Indeed, it is probably saying that a firm pledge to begin talks could be traded against a cessation of the bombing of the North. That is why Gen. Dung repeatedly asserts that the two wars are inextricably connected.

If this analysis is correct, the American interest is to strengthen the hands of the anti-Dung faction in Hanoi. One good way to do that is to underline its contention that it is possible to separate the war in the North from the struggle in the South. And the obvious way to do that, since it has been decided to intensify the pressure in the South through additional American troops, anyway, is to scale down the bombing of the North at this time.

Even if the anti-Dung faction does get the upper hand, however, the debate is almost certain to be intense and the decision close. Accordingly, any new approach from Hanoi, like all the old approaches, is apt to be hedged and ambiguous. And that is where the "Trollope Ploy" comes in.

The "Trollope Ploy" is a courting device named after the familiar tactics of the novelist's heroines. As described by former Assistant Secretary of State Roger Hilsman, it means interpreting even the faintest squeeze of the hand as something approaching marriage.

As applied to Vietnam, it means that even the most marginal expression of interest in negotiation from Hanoi should be taken seriously in a way that encourages Communist advocates of political settlement to push forward toward the compromise that still offers the only prospect for an early exit to the awful war.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not morning business is closed.

WILD AND SCENIC RIVERS ACT

Mr. BYRD of West Virginia. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 476, S. 119.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 119) to reserve certain public lands for a National Wild Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, after talking to the distinguished acting minority leader, the Senator from California [Mr. KUCHEL], and the distinguished Senators from Idaho [Mr. CHURCH and Mr. JORDAN], I ask unanimous consent that the vote on the pending business take place at 12 o'clock.

The PRESIDING OFFICER. Does the Senator ask for the waiver of rule XII?

Mr. MANSFIELD. Yes; I do.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. For the information of the Senate, there will be a yea-and-nay vote on the pending business at that time.

Mr. CHURCH. Mr. President, more than 100,000 miles of full-fledged rivers and major tributaries in the contiguous United States pour their waters down to the sea. Much of this streamflow has been harnessed for flood control, navigation, electric power, and reclamation. Along the bank lands we have erected our cities, established factories and located many of our homes—and in many ways we have mindlessly destroyed the beauty and purity of these streams. The affluent society has built well in terms of economic progress, but has neglected the protection of the very water we drink as well as the values of fish and wildlife, scenic, and outdoor recreation resources. Although often measureless in commercial terms, these values must be preserved by a program that will guarantee America some semblance of her great heritage of beautiful rivers.

Fortunately, there are still some of these wonderful rivers which flow wild and free, or meander in purity and splendor, largely unspoiled by man's handiwork. From the sheer natural beauty of such rivers we draw that physical and spiritual refreshment found only where clean water moves majestically in its own natural environment.

Mr. President, the preservation of certain of these unspoiled, unpolluted, free-flowing rivers is the objective of S. 119, the bill we are now considering. It would establish a national wild and scenic rivers system. Nine rivers or segments of them would be included in the initial system, and 27 other rivers or their segments would be studied for possible future inclusion. Procedure is provided for the addition of other rivers.

With 38 cosponsors, I introduced S. 119 early this year. It was actually a reintroduction of the bill, S. 1446, which was the first measure to pass the Senate at the start of the second session of the 89th Congress. It was familiarly known as the wild rivers bill. Although it passed the Senate by a 71-to-1 vote, the 89th Congress adjourned without the House giving it consideration.

Hearings on the original bill, S. 1446, were conducted in Idaho, Wyoming, and here in Washington by the Senate Interior and Insular Affairs Committee in 1965. This year the committee conducted open public hearings on both S. 119, the wild rivers bill, and on S. 1092, a scenic rivers bill submitted by the administration. The committee voted to report S. 119, as amended, because of various objections to the administration bill. The new S. 119, presented as an amendment in the nature of a substitute, does, however, incorporate a scenic category of rivers or river segments, and certain other provisions of the administration proposal. As the Senators know, wild rivers legislation was requested by the President early in 1965. As far back as 1962, the Outdoor Recreation Resources Review Commission, a bipartisan commission established by the Congress to evaluate the outdoor recreation needs of the Nation, recommended that certain rivers be preserved in their free-flowing state and natural setting without man-made alterations.

In 1963, the Secretaries of Interior and Agriculture initiated a wild rivers study. From more than 650 rivers, 67 were selected for preliminary field reconnaissance by special study teams. Based on this reconnaissance study, segments of 17 rivers and a number of their tributary streams were then selected for more detailed investigation. This detailed study was completed in 1964 and served as a basis for the recommendations contained in the initial wild rivers proposal.

The President, in calling for wild rivers preservation, warned that growth and development could "make the beau-

ty of the unspoiled waterway only a memory."

It was on this foundation of study and interest that I introduced the first wild rivers bill, S. 1446, in March of 1965.

The bill which we now consider, S. 119, has the same thrust of that original bill—to preserve certain rivers in their natural and free-flowing state. But there are numerous refinements. One of these is the double category of rivers, "wild" and "scenic." The definition of a wild river area was revised and the definition of a scenic river was added. Recognition of these two types of rivers means that the national system will be made up of both type rivers, and on certain rivers, there will be both wild and scenic areas.

The Eleven Point River in Missouri was considered in last year's bill to be a wild river, but in this measure is classified as a national scenic river. Recommended for immediate inclusion in the new national system is the St. Croix River in Wisconsin and Minnesota. A bill to create the St. Croix National Scenic Riverway passed the Senate in the last session, but because that river contains segments which fit the definitions of both wild and scenic river areas, it was decided to add it to this bill. The Illinois River in Oregon and the Wolf River in Wisconsin are new additions to the group of rivers recommended for immediate inclusion in the national system. Several new rivers are listed for study as to possible inclusion in the national system at a later date.

Provisions for planning new additions to the system were expanded to require local public hearings on any addition to the system and to allow the State legislatures to make their recommendations known if they so desire.

Provisions were added to encourage the development of State and local wild and scenic rivers and to protect the owners of improved property which may be acquired.

Mr. President, a national wild river area, as defined by S. 119, is one located in a sparsely populated, natural, and rugged environment where the river is free flowing and unpolluted, or where the river should be restored to such condition, in order to promote sound water conservation, and promote the public use and enjoyment of the scenic, fish, wildlife, and outdoor recreation values.

Rivers or segments of rivers which would be designated as wild river areas for the initial system are the Middle Fork of the Salmon and the Middle Fork of the Clearwater in Idaho, including portion of the Lochsa and the Selway, the Rogue and Illinois in Oregon, the Rio Grande in New Mexico, the St. Croix in Minnesota and Wisconsin, and the Wolf in Wisconsin.

Some of these same rivers have segments which are also designated as scenic river areas, including the Rogue and Illinois in Oregon, and the St. Croix in Minnesota and Wisconsin. Other national scenic river areas would be on the Eleven Point in Missouri and the Namekagon in Wisconsin.

A national scenic river area, as defined by the bill, is a river area that is unpolluted and which should be left in its pastoral or scenic attractiveness, or that should be restored to such condition, in order to protect, develop, and make accessible its significant national outdoor recreational resources for public use and enjoyment.

Twenty-seven rivers or river segments are listed for study for possible future inclusion in the bill.

Mr. President, the administration of the rivers in this system would be by either the Secretary of Interior or Agriculture, or the Secretaries jointly, based upon their administrative areas; or jointly with the States, or States and local governmental agencies, or by the States or local governmental agencies, exclusively. States would be encouraged to cooperate in the planning and administration of such areas where they include State-owned or county-owned lands. The Secretary of Interior is directed to provide technical assistance and advice and to cooperate with States, interstate agencies, political subdivisions, and nonprofit private organizations with respect to establishing wild and scenic river areas.

The bill has been referred to as an extension or corollary of the Wilderness Act, but its provisions are not nearly as restrictive. A national wild or scenic river area will be administered for its esthetic, scenic, historic, fish and wildlife, archeologic, scientific, and recreational features, based on the special attributes of the area. However, it will not prohibit the construction of roads or bridges, timber harvesting and livestock grazing, and other uses that do not substantially interfere with public use and enjoyment of these values. Mining will be allowed to continue, although claims located after the effective date of the act may be subject to regulation to conform to the system, particularly to prevent pollution.

Subsection 5(d) places a limitation on condemnation, by providing that where 50 percent or more of the acreage within the entire national wild or scenic river area is owned by Federal, State or local governments, neither Secretary can condemn for acquisition of fee title but may condemn for scenic easements. The committee approved this limitation because it believed that rivers flowing through this amount of public land could amply provide bank-land areas for public access and facilities without the need for the fee acquisition of property by condemnation.

Under subsection 5(d), wherever the power of condemnation is conferred, the Secretaries are limited to acquiring a maximum of 100 acres per mile on both sides of the stream, tributary, or river, in fee title. Section 5(a) sets the maximum acreage for boundaries of a national wild and scenic river area at 320 acres per mile on both sides of the stream, tributary, or river.

Subsection 5(f) provides that neither Secretary can condemn lands within any incorporated city, village, or borough as long as such entities have in force a duly, adopted valid zoning ordinance that is satisfactory to the appropriate Secretary.

It is the intention of the committee that both Secretaries shall encourage local units of government to adopt zoning ordinances which are consistent with the purposes of this act, and that where such valid zoning ordinances are in effect and where there is no need for further Federal acquisition, the appropriate Secretary will suspend acquisition of scenic easements and fee title.

The language contained in subsection 6(f) is intended by the committee to preserve the status quo with respect to the law of water rights. No change is intended. The first sentence states that established principles of law will determine the Federal and State jurisdiction over the waters of a stream that is included in a wild river area. Those established principles of law are not modified by this bill. The third sentence states that with respect to possible exemption of the Federal Government from State water laws, the act is neither a claim nor a denial of exemption. Any issue relating to exemptions will be determined by established principles of law as provided in the first sentence. The second sentence would apply to this legislation the principle of compensation embraced by section 8 of the Reclamation Act of June 17, 1902—32 Stat. 388, 930, found in 43 U.S.C. 383. This means that the Government must pay just compensation for a water right taken for wild river purposes if the water right is a vested property right under established principles of State or Federal law. See *U.S. v. Gerlach*, 339 U.S. 725.

Mr. President, it is estimated that the initial system of rivers established by this bill will cost $40 million over the next 10 years for acquisition and development. This is a small price to pay for such a wonderful recreational treasure. We have an obligation to move now, while there is still time, to save these remarkable waterways. Once they are gone, they will be lost forever.

I commend S. 119 to the Senate as a method of husbanding, for this generation and those of the future, some of our most magnificent wild and scenic rivers, before they vanish from the land.

Mr. JORDAN of Idaho obtained the floor.

Mr. JORDAN of Idaho. Mr. President, I am happy to yield to the distinguished Senator from Texas [Mr. YARBOROUGH], if I may do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I thank the Senator from Idaho for yielding to me, due to the fact that I am chairman of a subcommittee meeting in executive session, and I ask unanimous consent that my remarks may appear in the RECORD subsequent to his.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I send to the desk a proposed amendment to S. 119, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated. The legislative clerk read as follows:

On page 27, between lines 19 and 20, insert the following:

"(28) Rio Grande, Texas—the segment from Presidio to Langtry."

Mr. YARBOROUGH. Mr. President, I commend the Senator from Idaho for his great leadership, through previous sessions and in this session, in bringing this bill to a vote, to try to save for the people of the United States a portion of the natural wildlife habitat of this country. I am grateful to him for having permitted me to be a coauthor, with him, of the pending wild rivers bill.

The amendment I have proposed would add to the list of rivers to be studied as possible national wild river areas the portion of the Rio Grande in Texas from Presidio to Langtry. My intent in wishing the inclusion of this river and in cosponsoring this bill has been so well phrased in a resolution of the Texas Explorers Club enthusiastically supporting this bill, that I would like to quote a part of it. The Texas Explorers Club, a nonprofit conservation group, feels as do I:

> The hasty and inadequately considered damming of our few remaining flowing streams, and the criminal abuse of our few remaining spots of wilderness and natural beauty constitute a stain upon the honor of the United States and must be corrected with all haste.

The amendment that I am proposing, by which a study would be made as to whether a segment of the Rio Grande should be left as a wild river for all to enjoy in its natural unspoiled state, is clearly in accord with the purposes and spirit of Senator Church's bill, S. 119.

That portion of the Rio Grande included in my amendment, from Presidio downstream to Langtry, is west of the Pecos River in Texas, and is bordered half its length by the Big Bend National Park. It traverses the St. Helena and Boquillas Canyons, an area of wild cliffs, bluffs, and canyons.

Justice Douglas has written of these canyons with beauty and feeling in his book published just 2 or 3 months ago, entitled "Farewell to Texas, the Vanishing Wilderness."

Last year, Mrs. Lyndon B. Johnson navigated a portion of one of these canyons with her party on rafts. Even with the assistance of skilled crews, the first lady of the land emerged thoroughly drenched with water, after traversing the beautiful portion of the Rio Grande which runs through one of those wild canyons.

Mr. President, the Rio Grande is the fifth largest river in North America. It is briefly described in the Encyclopaedia Britannica as follows:

> Rio Grande, the fifth longest North American river, has its sources in the snow fields and alpine meadows of the San Juan mountains of southwestern Colorado. It flows southeast and south 175 mi. in Colorado, southerly some 470 mi. across New Mexico, and southeasterly between Texas and the Mexican states of Chihuahua, Coahuila, Nuevo León and Tamaulipas, for about 1,240 mi. to the Gulf of Mexico. The total length (in compromise "river miles") is approximately 1,885 mi.
>
> It starts as a clear Rocky mountain stream, fed by springs at an elevation of more than 12,000 ft., then flows in a canyon through forests of spruce, fir and aspen, into the broad San Luis valley in Colorado, after which it cuts the Rio Grande gorge and White Rock canyon and enters the open terrain of the basin and range and Mexican highland physiographic provinces. There declining elevation, decreasing latitude and increasing aridity and temperature produce a transition from a cold steppe climate with a vegetation of pinion, juniper and sagebrush, to a hot steppe and desert climate characterized by a vegetation of mesquite, creosote bush, cactus, yucca and other desert plants.

This is the wild rivers part encompassed in my amendment:

> The Rio Grande cuts three canyons between 1,500 and 1,700 ft. in depth across the faulted area occupied by the "big bend" where the Texas side of the river is included in the Big Bend National park. In the remainder of its course the river wanders sluggishly across the coastal plain to end in a true delta in the Gulf of Mexico.

This river was formerly called the Rio Grande del Norte. It is officially in the United States the Rio Grande, but it is officially in Mexico the Rio Bravo.

The river, and particularly this section from Presidio to Langtry, is well suited to be designated a scenic or wild river; it has unparalleled natural beauty and recreational activity. Industrial uses of the rivers of our country and of the State of Texas must be balanced with a sensible policy at conserving certain sections of our waterways as unpolluted and undammed sources of pleasure for our citizens. The part of the Rio Grande that would be included in my amendment should probably be left forever as it is. The lovely limestone caverns, the spiraling rapids and whirlpools and the scenic landscape all serve to indicate how vital it is that we keep some of the Rio Grande as a haven for sportsmen and tourists and nature lovers and those who want to see this continent as it was before men carved it up.

This amendment will allow these possibilities to be studied by the Secretary of the Interior and the State government.

Since the Rio Grande forms our southwestern border with Mexico, any comprehensive plan for the conservation of the river such as that offered in this bill would necessitate a Mexican-American agreement on the subject. At present there are no agreements as to development or conservation on this stretch of the river; no change in any plans will be effected by adoption of this amendment. We hope that an agreement on the objectives and means of insuring the natural beauty of the Rio Grande will be easy to achieve after the study contemplated by this bill is completed.

In view of the importance of the Rio Grande both as a border and as a site of naturally beautiful wilderness, I offer this amendment to include it in the list of rivers to be studied for possible addition to the wild and scenic rivers system.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a resolution by the Texas Explorers' Club requesting this action; a letter from Bob Burleson of the law firm of Bowmer, Courtney & Burleson, of Temple, Tex., under date of April 7, 1967, and a letter addressed to the Hon. FRANK CHURCH, U.S. Senate, Washington, D.C., by Mr. Davis Bragg, under date of January 21, 1966.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A RESOLUTION BY TEXAS EXPLORERS CLUB

Be it resolved by the Texas Explorers Club as follows:

(1) That the Texas Explorers Club, a nonprofit charitable and educational corporation organized under the laws of the State of Texas, does hereby pledge its wholehearted support of two bills now pending before the Senate of the United States of America, to wit: S–119, the Wild Rivers Bill, and S–1092, the Scenic Rivers Act.

(2) That the Texas Explorers Club will make known to our outstanding Senators from the State of Texas, to wit: the Honorable Ralph W. Yarborough and the Honorable John Tower, this organization's sincere belief and deepest conviction that river protective legislation is one of the most pressing needs of our nation today and that the passage of such legislation is absolutely essential to the continued good health, welfare, and moral and spiritual well being of the present and future citizens of these United States of America.

(3) That the hasty and inadequately considered damming of our few remaining flowing streams, the pollution and poisoning of all of our rivers and streams, and the criminal abuse of our few remaining spots of wilderness and natural beauty constitute a stain upon the honor of the United States and must be corrected with all haste.

And be it further resolved by the Texas Explorers Club that the beautiful and unique section of wilderness canyons along the Rio Grande River from the easternmost boundary of Big Bend National Park to the town of Langtry, Texas, should be included within both of the above named bills and any future river protective legislation, and that this area of outstanding natural beauty and remoteness be forever preserved for the use of present and future citizens of the United States as a natural and flowing river, unspoiled by the unnecessary, selfish and destructive works of man.

Unanimously passed and adopted by the members of the Texas Explorers Club at a regular meeting on this the 1st day of April, 1967.

BOB BURLESON,
President.

Attest:

JIM D. BOWMER,
Secretary.

BOWMER, COURTNEY & BURLESON,
Temple, Tex., April 7, 1967.

Re: River Protective Legislation, Senate Bills S–119, Wild Rivers, and S–1092, Scenic Rivers.

Senator RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR RALPH: The above bills are due to come up for hearing before the Interior and Insular Affairs Committee early this month. A large number of us from Texas are vitally interested in the eventual passage of some really effective river protection legislation, and these bills are at least a start in the right direction.

Those of us who frequently get out and paddle the streams of Texas are becoming genuinely alarmed at the very rapid progress of destruction and pollution that is turning over formerly beautiful and clean-flowing rivers into sewers. Even more alarming is the fact that eventual plans of several governmental agencies, such as the Corps of Engineers, includes making every stream of consequences in the United States a series of impoundments.

With the increasing pressures of population growth and industrialization, the public legacy of free-flowing streams and wilderness areas is due for destruction—unless immediate and effective steps are taken to pre-

vent their destruction. I do not believe that Americans of fifty years from now will have any natural areas of consequence left for their enjoyment and inspiration, unless the Congress acts now to preserve it for them. The present National Parks are inadequate even now, and cannot hope to meet the needs of the future.

As opposed to all the billions we are spending each year to change the face of the earth and mould it to our present desires, it costs almost nothing to simply let a river, forest or natural area alone. To preserve a clean river, a wilderness stream, a stretch of unique forest, or a significant natural area, all that is necessary is to set it aside and protect it—aside from that it takes care of itself, at no public expense.

I know that you are vitally concerned with preventing the rape of our few remaining public and natural resources in the name of blind progress and private profit. We all hope that you will be able to work for these bills and similar bills designed to salvage a bit of our national heritage before it is gone forever.

Enclosed you will find a copy of a Resolution of the Texas Explorers Club regarding the above bills. I would appreciate your making the same a part of the record in the hearings thereon.

Your friend,

BOB BURLESON.

CURTIS, DUNCAN & BRAGG,
Killeen, Tex., January 21, 1966.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: The section of the Rio Grande River in Texas from Maravillas Creek (The Black Gap Wildlife Management Area owned by the State of Texas) down to the headwaters of the Amistad Lake now under construction near Del Rio is worthy of consideration under your "Wild Rivers" bill.

A group of us floated a substantial portion thereof during the Christmas holidays. From Sunday afternoon, December 26, until Thursday noon following we did not see a human being. There are many rapids, several waterfalls, and unnamed canyons 1500 feet deep or more and up to 30 miles long.

This part of Texas is virtually uninhabited within 10–30 miles of the river along the entire stretch, and may be the only river within 500 miles thereof of sufficient flow to be adventurous to float and not heavily populated adjoining.

I doubt that more than five groups of people float this in any one year, but expect this number to grow in future years. If you would be interested in any photographs of the particular area, those of us who made the recent trip would be pleased to furnish them to your committee.

A copy of this is being mailed to Senator Yarborough, who is being contacted by others of us who were on the recent trip. A map showing the stretch of river involved is enclosed.

Cordially,

DAVIS BRAGG.

Mr. YARBOROUGH. Mr. President, having lived in El Paso, Tex., for 3½ years and having visited this area, I can personally testify from my own personal knowledge as to the importance of its inclusion in the pending bill.

I thank the senior Senator from Idaho [Mr. CHURCH] for sponsoring the bill. I thank the junior Senator from Idaho [Mr. JORDAN] for so graciously yielding to me that I might attend my committee meeting.

Mr. CHURCH. Mr. President, may I say to the distinguished Senator from Texas how much I appreciate the steadfast support he has given the wild rivers bill.

The amendment of the Senator from Texas is certainly acceptable. I think the segment of the Rio Grande that the Senator described belongs in the study category of the bill.

I am willing to accept the amendment. I congratulate the Senator for having offered it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. JORDAN of Idaho. I yield.

Mr. JACKSON. Mr. President, I take this opportunity as the chairman of the committee to compliment and commend the able senior Senator from Idaho [Mr. CHURCH] for the excellent way in which he has handled a very difficult bill.

This legislation affects all areas of the United States, either in the inclusion of certain rivers in the wild and scenic rivers system immediately, or in the study section for future consideration.

When one undertakes such a task, it is obvious that he is bound to run into problems and difficulty.

The able senior Senator from Idaho [Mr. CHURCH], in my judgment, used the best arts of the legislative process in putting the pending bill in the form in which it is now being presented to the Senate.

Mr. President, I likewise compliment the able junior Senator from Idaho [Mr. JORDAN] for the fine way in which he cooperated in making possible the presentation of the pending bill to the Senate on a unanimous basis from the Committee on Interior and Insular Affairs.

A major portion of the legislation, of course, affects the State of Idaho. The junior Senator from Idaho [Mr. JORDAN] has been extremely helpful in working with the senior Senator from Idaho in the ironing out of a lot of the difficult problems.

As a result, we have a very good bill.

In this connection, I call to the attention of the Senate and to the attention of my colleagues, the Senators from Idaho, that part of the report appearing at the top of page 6, entitled "Balanced Development":

In its selection of rivers to be included in the initial system of wild and scenic rivers, and in the study group of rivers for possible later inclusion in the system—with a 5-year moratorium on the licensing of dams on the latter—the committee is cognizant that there are many other rivers throughout the United States which may qualify for the system. The bill establishes procedures by which these may be added.

The committee did not review all the rivers of the United States in acting upon this bill. However, the committee did give particular attention to the middle Snake River watershed in Idaho and Oregon. The Middle Fork of the Clearwater and the Middle Fork of the Salmon, both part of the watershed, will become initial streams in the National Wild and Scenic Rivers System established by S. 119. The main Salmon River will be studied for possible future inclusion in the system.

The Middle Fork of the Snake, also an area of great beauty, contains the location of the proposed High Mountain Sheep Dam just above the confluence of the Snake and the Salmon. This is the last undeveloped site on the Snake River for a great storage dam. The committee took cognizance of this fact in not considering inclusion of the Middle Fork of the Snake in the National Wild and Scenic Rivers System. The committee believes that exclusion of this portion of the Snake River watershed is in keeping with a balanced natural resource program.

Mr. President, I should like first to ask my good friend, the junior Senator from Idaho [Mr. JORDAN] his interpretation of this language, and I shall then ask the same question of the senior Senator from Idaho.

Mr. JORDAN of Idaho. Mr. President, in reply to my friend, the distinguished junior Senator from Washington, I believe that the language in the report is significant for several reasons.

First, we designated as wild rivers segments of both the Clearwater and the Salmon that are obviously and unmistakably wild rivers.

We deferred for further study the main stem of the Salmon River because it does have potential multipurpose use that we all recognize.

Then, with respect to the paragraph dealing with the middle fork of the Snake River, that area possibly to be developed by the High Mountain Sheep Dam, or its counterpart, reference is made in the report that the committee expresses its approval for dam development on this last remaining undeveloped stretch of the middle Snake River.

I think it is wise to include this language in the report because it is quite apparent to those of us who live in the region and who serve on the Committee on Interior and Insular Affairs under the able chairmanship of the distinguished junior Senator from Washington that there is need for a balance, for both dam development and wild river designation on the middle Snake and the tributaries to the middle Snake.

Mr. JACKSON. I thank the Senator.

I should like to ask now for the comments of the author of the bill, the senior Senator from Idaho.

Mr. CHURCH. First, I should like to express my appreciation to the distinguished chairman of our committee for the remarks he has made concerning both the work I have done on the measure and the work that my colleague, Senator JORDAN, has done on it. I concur heartily in everything the Senator from Washington has said with reference to Senator JORDAN's efforts in committee to bring this bill to the floor in a form that would win the strong, united support of the Senate.

I have always believed that the Senate Committee on Interior and Insular Affairs had a fundamental interest in the balanced development of the resources of the West. Where rivers are concerned, it is obvious that they make a great economic contribution. There are many rivers that must be used for reclamation and for the generation of power. There are many dams which have been built profitably in the past, and new dams to be built profitably in the future, that will confer multipurpose benefits which the growing economy of the West demands. One such river is the Snake. It has long since been a developed river, with numerous dams on it. The Snake River is the

artery that really constitutes the lifeblood of the economy of southern Idaho. It is the river that sustains most of the agriculture in the southern part of our State.

As the Senator from Washington knows, the Snake River furnishes approximately one-fourth of the flow of the Columbia, on which there are such large and important public power dams.

So the committee wanted to make it clear that, in the enactment of the wild rivers bill, it did not intend to reach out, or in any way to prejudice, the necessity for further development on the Snake, a river that is already well developed, where there are some remaining sites of great importance that clearly call for dam construction. One of these, the High Mountain Sheep site, is presently in litigation, and this bill in no way compromises or affects the case for the High Mountain Sheep Dam.

Mr. JACKSON. I believe this is a very important point, because, as we know, the High Mountain Sheep damsite is currently involved in litigation.

I believe it is quite clear by the statement in the RECORD and by the colloquy on the floor that the committee identified in Idaho those areas that should be preserved and those areas that should be studied under the provisions of this bill. We have also indicated that the High Mountain Sheep area—that is, the middle fork of the Snake area—should be available for multipurpose development.

Is that not in essence the position taken by the committee?

Mr. CHURCH. The Senator is correct.

Mr. JACKSON. I believe my good friend, the junior Senator from Idaho, also concurs in that statement.

Mr. JORDAN of Idaho. I do concur.

Mr. JACKSON. In other words, we have made a legislative finding in order to clarify what has been a misunderstanding as to the areas that should be set aside now or studied later for conservation and preservation as wild rivers. It is also true, however, that in areas such as the High Mountain Sheep area on the Snake River we will permit power development, and we are not intending to apply this legislation to this area of the river.

Mr. CHURCH. The Senator is correct. That is precisely the intention of the committee, as I understand it.

Mr. JACKSON. Mr. President, I again wish to compliment the able Senators from Idaho for the statesmanlike way in which they have worked this bill out, and I am certain that the measure will receive the unanimous support of the Senate.

Mr. JORDAN of Idaho. Mr. President, I thank our distinguished chairman, the able Senator from our neighboring State of Washington, for his kind remarks. I commend him, also, for his chairmanship of the committee, the most interesting committee on which I am privileged to serve, because he provides a proper climate for compromise and a proper forum for discussion, so that we can work out our differences and come to the floor of the Senate, as a rule, in substantial agreement, as we are today.

I also wish to commend my distinguished colleague, Senator CHURCH, for his leadership in the matter of wild rivers legislation, and for the able presentation he has made on the floor this morning with respect to S. 119.

Mr. President, I am very pleased to join Senator CHURCH and Senator JACKSON today in expressing my strong support for the wild and scenic rivers bill as reported to the Senate by the Senate Interior and Insular Affairs Committee.

Tht bill before the Senate is the product of a great deal of hard work, of the best tradition of give and take in committee discussion, of the earnest desire of all members of the committee to present a wild and scenic rivers system proposal which is acceptable to the entire committee.

I believe we made some substantial improvements in the bill by tightening and amending the language in executive session. S. 119 as reported is, to my mind, a better bill than the version of this legislation which the Senate approved last year. It is also a far better proposal, in my view, than S. 1092, the scenic rivers bill, drawn up and advocated this year by the Department of the Interior.

S. 119, as reported, provides important protection for those rivers not immediately included in the national wild or scenic rivers system but selected for study for possible future inclusion. It establishes a moratorium on licensing dams during a 5-year period on the rivers listed for consideration as future additions, so that no damage to the natural, free-flowing characteristics of such streams can occur while studies are going forward.

New provisions have been added to strengthen the voice of localities and States in the process of developing recommendations for additions to the initial system. Local public hearings are required on any proposed addition to the system, and provision is made to allow the State legislatures concerned to make their views known if they so desire.

The committee has taken pains to insure that intent is made absolutely clear in regard to the protection of established water rights. It is intended that the language bearing on water rights permit the Federal Government to reserve only such unappropriated waters as may be required for the purposes of the act.

In addition, S. 119 retains the National Wild and Scenic Rivers Review Board which was eliminated from the Department of the Interior's bill. The Board is the mechanism through which changes in circumstances and needs affecting rivers designated as wild or scenic may be brought to the attention of the Congress, so that long-range planning for water usage in the Nation may remain flexible and not be foreclosed from the consideration of alternative uses which the future may require.

Mr. President, I have always been a strong believer in the wild rivers concept. I have stated on numerous occasions that I hope that every State can contribute a river or a segment of a river to this great system. This is still my hope.

For the initial system which would be established if this legislation were approved, portions of just seven rivers are recommended for designation as wild rivers. There are, of course, also those rivers designated as scenic rivers. But of the seven designated as wild rivers, two segments are wholly within boundaries of our State of Idaho.

To show graphically the contribution to the initial wild rivers system, I ask unanimous consent that a table setting down the mileage selected for such preservation be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Mileage of rivers included in the wild rivers system under S. 119

	Miles
Middle Fork of Salmon River in Idaho	105
Middle Fork of Clearwater River in Idaho	185
Lochsa River	69
Selway	95
Middle Fork Clearwater	21
Total	[1] 290
Rio Grande in New Mexico	50
St Croix in Minnesota and Wisconsin	100
Segment of Nanekegon, a tributary of the St. Croix Rver in Minnesota and Wisconsin	20
Total	120
Wolf in Wisconsin	25
Illinois in Oregon	25
Rogue in Oregon	35
Total	[2] 255
Total wild rivers	545

[1] Miles in Idaho.
[2] Miles not in Idaho.

Mr. JORDAN of Idaho. Mr. President from the table we observe the initial wild rivers mileage in Idaho totals 290 miles; outside of Idaho it totals 255 miles. Thus, Idaho is furnishing 53 percent of the mileage of the initial system.

I am pleased that Idaho can contribute so substantially to the wild rivers system. We are very proud of our rugged, unspoiled country and believe that the portions of the Salmon and Clearwater drainages put into the system immediately are indeed worthy to be set aside as national natural assets.

In my approach to this legislation, I must say I have had serious reservations that we are trying to move too fast too soon. In this country we are currently engaged in a massive effort to inventory and assess our water resources and to direct planning to the most comprehensive set of considerations about future needs, designations and uses to assure that we deal wisely with this most precious resource, so that we do not penalize coming generations through the failure to exercise every bit of foresight we can.

The whole emphasis in the water resource field is on using such vision as we possess to plan as comprehensively as possible for the future.

In 1965, Congress enacted the River Basin Planning Act to provide for the

optimum development of the Nation's resources through coordinated planning of water and related land resources.

In 1964, Congress enacted the Water Research Act to establish and strengthen competence in water research at the Nation's institutions of higher education.

In that same year, 1964, Congress established a Public Land Law Review Commission to study and make recommendations relating to administration of the public lands, an undertaking which of necessity involves water studies as well.

Just this year, we have approved the establishment of a National Water Commission to conduct a comprehensive review of national water resource programs and uses.

In addition, there is great activity at the State and regional level. Eleven Western States have implemented a Western States Water Council through which they hope to pursue cooperatively long-range planning objectives. The Northwest States have for many years been discussing a Columbia Basin interstate water compact. And this spring a Pacific Northwest River Basins Commission got started in its work pursuant to an Executive order of the President following the mandate of the River Basin Planning Act.

In Idaho, the citizens, through voting an amendment to the State's constitution, have created a State water agency charged with studying and inventorying the state's water and land resources in order that planning may proceed on the most informed basis.

Mr. President, I firmly believe we have a deep responsibility as stewards of our Nation's resources to use them wisely and well and to hand them down to future generations, if possible, in better condition, more wisely used than when we found them. I have been a strong supporter of all the efforts we are directing at every level toward water studies, planning, and research.

With this emphasis in mind, I feel that we should be very careful before committing resources in perpetuity to single purpose use, such as we are doing in wild and scenic rivers legislation. Much of our effort to study our water needs and uses is in progress or just getting started. We do not have all the information we desire in many cases.

Therefore, I have maintained that where wild or scenic rivers legislation might conflict with the thrust of our commitment to planning, the designation of segments of rivers in question should be deferred. Where there is substantial controversy, I have held that we should not put the streams subject to such controversy into the wild and scenic rivers system at this time.

The committee has concurred in this position and in Wyoming and West Virginia where in each case both Senators objected to consideration of certain rivers in their States, the rivers were withdrawn from the bill.

Mr. President, in Idaho there has been a strong feeling regarding the possible effect which wild rivers legislation could have on the State's future development. The Governor of Idaho and the Idaho Water Resources Board have both asked that foreclosure of the use of Idaho waters to single-purpose use be deferred until our land and water inventories are complete. They wish to keep the State's options open.

The magnitude of the issue is suggested by the fact that the Salmon and Clearwater together carry fully 38 percent of the output of Idaho's watersheds, which amounts to an average of 14.5 million acre-feet annually. These two wholly Idaho rivers carry out of the State of Idaho an annual volume of water comparable to the entire annual flow of the Colorado River.

Preliminary investigations carried out by the Idaho Water Resources Board indicate that Idaho has some 6.5 million arid acres to bring into cultivation and irrigate. Considering the growing world food crisis, production from these acres certainly will be ultimately required. However, we lack the water in the Snake River to irrigate all these new acres. Under full development, the Snake River plain will be a water deficient area. Thus, we need to consider how to supplement our water supply. In the not too distant future we shall need to import water into the Snake River basin.

Since Idaho's northern streams are a logical source of supply for supplementing Snake River flows and should be studied in such respect, I have substantially agreed with the State's position on wild rivers. With the concurrence of my distinguished and very reasonable colleague [Mr. CHURCH], therefore, the main stem of the Salmon River in Idaho has been transferred to the study section of the bill, under a moratorium on development, pending completion of Idaho's studies.

Mr. President, I believe that S. 119 in the form presented here today is a thoroughly meritorious piece of legislation and I urge its overwhelming adoption. Further, although Idaho is far and away the largest contributor to the wild rivers system, I hope we will be able to contribute more mileage in the future if our studies indicate that such additions are merited.

Mr. CHURCH. Mr. President, I have listened with much interest and admiration to the statement which the Senator from Idaho [Mr. JORDAN] has just made. He is an acknowledged authority on water, its sources and its uses. His life has been, in large measure, devoted to water. In his early years, he showed much foresight in the future use and development of the waters of the Snake River. As the Governor of Idaho, his contribution in the matter of the further development of our water resources was marked and significant. As a member of the International Joint Commission, he rendered great service to the country in working out important agreements with Canada, not the least of which was the St. Lawrence Seaway.

I have the deepest personal respect for him as an authority in water matters. And I think his statement in the Senate this morning indicates that he is as interested in preserving wild rivers as any other Senator. I commend him for the way he has sought to work out the problem of preserving Idaho's options for the future, a consideration which has been of great concern to him and to me. If it had not been for his willingness to do so, we could not have brought this legislation to the floor of the Senate in such form as to prevent a bitter partisan fight over the bill.

Had this bill gone to the House of Representatives after such a fight, and the split vote that would have resulted, I am confident that this legislation would have had no chance for favorable consideration in that body. For these reasons, I want to say how grateful I am to my colleague [Mr. JORDAN]. I thank him for his contribution in bringing a bill to the floor of the Senate which keeps the hope of a national wild river system alive, and enhances the chances for favorable consideration of this bill by the House of Representatives.

Mr. ALLOTT. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the Senator from Colorado.

Mr. ALLOTT. I should like to ask a few questions and perhaps make a little legislative history. I am sure that the distinguished Senator from Idaho will be happy to do this. He is aware, of course, of the concern that I have had in this legislation about the priorities of water rights and the power of the Secretary of the Interior. We have discussed this both privately and in committee, so that I do not believe any further explanation to him is in order or is needed for any reason.

I invite the Senator's attention to page 403 of the RECORD of January 17, 1966—I will read it—in which a letter from the Secretary of the Interior was placed in the RECORD, the third paragraph of which reads as follows:

> It is settled law that Federal legislation authorizing Federal lands to be used for a particular purpose reserves sufficient unappropriated water flowing through the Federal lands to accomplish that purpose. This reservation does not affect prior valid rights under State law, but it does establish a priority that is good against subsequent appropriators.

Of course, this is a matter which has bothered me for some time. Does the Senator interpret this to mean that under passage of the national wild and scenic rivers bill, as it now is, that it would be impossible for an individual appropriator to perfect rights under the laws and the constitution of the State of Idaho, for example, or Colorado, if Colorado had rivers in this bill, which it does not, against anyone who would wish to perfect the right in the future?

Mr. CHURCH. I would say to the Senator that whatever present law decrees with respect to the priority of rights, among appropriators, that law is left intact by this bill. It is true that the Federal Government can acquire rights by reservation, just as private citizens can acquire rights by appropriation. We sought not to interfere with water law, one way or another. We took great care in committee, as the Senator knows, to work out language that would make it clear that present water law is not altered by the provisions of this bill.

Mr. ALLOTT. As the Senator knows, I submitted an amendment to the present bill which the committee did not accept. The amendment was offered from the

viewpoint of a person who has been engaged in water litigation and water matters for the major portion of his life. Following the rejection of the amendment, I submitted report language to the staff, the last sentence of which reads as follows:

The reservation of unappropriated waters for a National Wild and Scenic Rivers System is not intended to affect any prior valid water right under State law and is paramount only to subsequent appropriators.

The committee has changed this language slightly, but I think perhaps the legislative intent of the language shown at the bottom of page 5 of the committee report and the three paragraphs under the section entitled "Water Rights," might be further clarified. First, I think it should be stated that the appropriate Secretary can only reserve unappropriated waters for the purposes of this act. I am sure the Senator from Idaho is in agreement with that.

Mr. CHURCH. I am in agreement with that.

Mr. ALLOTT. Second, that the reservation is subject to prior water rights vested under State law, and, therefore, that the appropriate Secretary cannot insist upon any greater flow in the river than the amount of unappropriated water. I am sure the Senator would agree with that?

Mr. CHURCH. Yes. I am in agreement with that.

Mr. ALLOTT. Third, the only superior right the appropriate Secretary will have on the river is with regard to subsequent appropriations under State law.

Mr. CHURCH. I find no difficulty with that.

Mr. ALLOTT. I am sure that is true. We do have now in the report on page 5, and I think we should make a record of it, the concept of a reservation only of unappropriated waters, and that this reservation is subject to prior appropriations and paramount only to subsequent appropriations.

Now I shall read the last paragraph.

Mr. CHURCH. May I suggest to the Senator that it might be advisable to include the entire portion of the report dealing with this question.

Mr. ALLOTT. Yes, I shall; not only that, but the subsequent section on page 6.

Mr. CHURCH. Having to do with balanced development.

Mr. ALLOTT. That also has some interest. If the Senator has no objection to having that part printed in the RECORD, I ask unanimous consent that both items be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

WATER RIGHTS

The language contained in subsection 6(f) is intended by the committee to preserve the status quo with respect to the law of water rights. No change is intended. The first sentence states that established principles of law will determine the Federal and State jurisdiction over the waters of a stream that is included in a wild river area. Those established principles of law are not modified. The third sentence states that with respect to possible exemption of the Federal Government from State water laws the act is neither a claim nor a denial of exemption. Any issue relating to exemption will be determined by established principles of law as provided in the first sentence. The second sentence would apply to this legislation the principle of compensation embraced by section 8 of the Reclamation Act of June 17, 1902 (32 Stat. 388, 390, found in 43 U.S.C. 383). This means that the Government must pay just compensation for a water right taken for wild river purposes if the water right is a vested property right under established principles of State or Federal law. See *U.S.* v. *Gerlach* (339 U.S.725).

Subsection 6(j) makes it clear that designation of a stream or its portion thereof is not to be considered a reservation of unappropriated waters other than for the purposes of this act—and in no greater quantities than are necessary for those purposes.

It should be made clear that it is the intention of the committee that the Federal Government may reserve only such unappropriated waters as may be required for the purposes specified in this act. The establishment of a National Wild and Scenic Rivers System is not intended to affect or impair any prior valid water right vested under State or Federal law.

BALANCED DEVELOPMENT

In its selection of rivers to be included in the initial system of wild and scenic rivers, and in the study group of rivers for possible later inclusions in the system—with a 5-year moratorium on the licensing of dams on the latter—the committee is cognizant that there are many other rivers throughout the United States which may qualify for the system. The bill establishes procedures by which these may be added.

The committee did not review all the rivers of the United States in acting upon this bill. However, the committee did give particular attention to the middle Snake River watershed in Idaho and Oregon. The Middle Fork of the Clearwater and the Middle Fork of the Salmon, both part of the watershed, will become initial streams in the National Wild and Scenic Rivers System established by S. 119. The main Salmon River will be studied for possible future inclusion in the system.

The Middle Fork of the Snake, also an area of great beauty, contains the location of the proposed High Mountain Sheep Dam just above the confluence of the Snake and the Salmon. This is the last undeveloped site on the Snake River for a great storage dam. The committee took cognizance of this fact in not considering inclusion of the Middle Fork of the Snake in the National Wild and Scenic Rivers System. The committee believes that exclusion of this portion of the Snake River watershed is in keeping with a balance natural resource program.

Mr. ALLOTT. The last paragraph on page 5 reads:

It should be made clear that it is the intention of the committee that the Federal Government may reserve only such unappropriated waters as may be required for the purposes specified in this act. The establishment of a National Wild and Scenic Rivers System is not intended to affect or impair any prior valid water right vested under State or Federal law.

As I understand, the Senator from Idaho interprets the paragraph I have just read and the other related matter under the general heading of "Water Rights" and "Balanced Development," as they appear in the report, to be within the concept of the three points to which he just agreed.

Mr. CHURCH. I do, indeed. Of course, I think the Senator from Colorado would agree with me that it is open to the Government, in connection with this bill or any other Government project, to acquire a water right, if it be deemed advisable, by the purchase of that right from its owner, just as it is open to the Government to acquire any other property right. But the bill itself does not in any way challenge the validity of water rights that have been acquired under State or Federal law, and are vested at the time the system is established.

Mr. ALLOTT. But the bill does not contain a power of condemnation, does it?

Mr. CHURCH. The bill contains a limited power of condemnation.

Mr. ALLOTT. Will the Senator explain that, and state where that limited power is?

Mr. CHURCH. Yes. Wherever 50 percent or more of the land within any wild river area is publicly owned, no power of condemnation is conferred by the bill, except as to the acquisition of scenic easements.

Mr. ALLOTT. Does the Senator mean where more than 50 percent is publicly owned?

Mr. CHURCH. Yes. Where more than 50 percent is publicly owned, there is no power of condemnation except for a scenic easement. Where less than 50 percent is publicly owned, there is a limited right of condemnation conferred by Section 5(d) of the bill. It is limited to acquiring a maximum of 100 acres per mile on both sides of the stream, tributary, or river.

Section 5(a) of the bill sets the maximum acreage for the boundaries of national wild or scenic areas as 320 acres per mile, on both sides of the stream, tributary, or river.

So the bill does two things: It establishes the maximum area of the boundaries themselves; and, within the boundaries, it limits the condemnation authority to cases where less than half the river bank is in the public domain.

Mr. ALLOTT. The power of condemnation does not apply, then, to any portion outside the portion described in the bill?

Mr. CHURCH. It does not.

Mr. ALLOTT. Does it apply to water rights?

Mr. CHURCH. It applies to property rights, which may include water rights, but only if just compensation is made.

Mr. ALLOTT. Of course, in this whole matter we have the corollary question which has repeatedly come up, and bills were offered to cure this by Senator BARRETT of Wyoming, and subsequently by Senator BIBLE, myself, and others, requiring the Federal Government to comply with State laws in the appropriation of water. This is a problem we will have to solve one of these days, but I do not think it has to come in this bill.

Mr. CHURCH. I agree with the Senator on both counts.

Mr. ALLOTT. I thank the Senator for clearing up the legislative record of this matter.

I am more pleased with the legislation as it now stands. I must say, very frankly, to the Senator from Idaho that, considering the appropriation of waters in Colorado and the fact that I think most of our major rivers are overappropriated, I would feel compelled to have to insist

on the amendment I previously offered. Colorado is not affected by this bill. I can see no way the bill would affect Colorado adversely. I have to depend on other Senators to see that their own State rights are protected. As far as this particular section is concerned, I think it is satisfactory, with the reservation that in the event any rivers in Colorado are placed under the provisions of the bill, I would have to insist on further protection.

Mr. TALMADGE. Mr. President, will the distinguished floor manager of the bill yield for a question, to clarify a matter in relation to my State?

Mr. CHURCH. I am happy to yield.

Mr. TALMADGE. Mr. President, the pending bill includes the Suwannee River, which rises in Okefenokee Swamp in Georgia and serves as the boundary between the States of Florida and Georgia in the swampy area from that point until it empties into the Atlantic Ocean. It is a beautiful wilderness area, used by many people of both States for fishing, swimming, camping, and matters of that kind.

Is my understanding correct that this bill only authorizes a study, and does not undertake any action to assume Federal jurisdiction of the Suwannee River, in any way whatever?

Mr. CHURCH. The Senator is correct. The Suwannee is listed in that section of the bill—section 4(a)—which is captioned "Federal-State planning for additions to system," and it is listed there purely for study purposes.

Mr. TALMADGE. Prior to congressional action on any bill that may be submitted by the President or any member of his Cabinet, the various Governors—including the Governor of Georgia and the Governor of Florida—will be consulted to ascertain not only their own views, but those of the people of their respective States?

Mr. CHURCH. Yes, indeed. And the bill contains a further provision that if the legislature of either State desires to express its own position, with respect to the possible inclusion of a State river in the national wild rivers system, it will have a full and fair opportunity to do so.

Mr. TALMADGE. And any proposed legislation bearing on the subject, after the study has been made, must come back to Congress for consideration at that time?

Mr. CHURCH. Yes. No addition can be made to the system without the affirmative action of Congress.

Mr. TALMADGE. So, at that time, the congressional delegations from Florida and Georgia would have an opportunity to express their views on the matter?

Mr. CHURCH. Not only would they have the opportunity to express their views, but I am sure that the views of the congressional delegations from Florida and Georgia would have a definite bearing on any possible future action with respect to the Suwannee River.

Mr. TALMADGE. I thank the Senator. With that understanding, I have no objection to the Suwannee River being included in a study.

Mr. CHURCH. I thank the Senator from Georgia.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. LAUSCHE. Mr. President, how much money is involved in the pending bill and over how many years is the money authorized to be expended?

Mr. CHURCH. The best estimate that we have from the executive department is that the system established by the bill would cost approximately $40 million over the next 10 years. The price tag for a system of this importance is relatively low.

Mr. LAUSCHE. Mr. President, we have several rivers in Ohio that still retain their pristine and original state of beauty. The citizens in those communities are greatly concerned about keeping projects of an industrial nature out of those areas. Otherwise such projects would destroy the pristine state of those river bodies.

There are included in the study category of the pending bill, I understand, several Ohio rivers which fall within the category I have just described.

Mr. CHURCH. The Senator is correct. The Little Miami, the Little Beaver, and the Maumee, or segments of those streams, are included in the study category of the bill.

Mr. LAUSCHE. Is it the purpose of the pending bill to try to save certain rivers in our country that have not yet been desecrated or butchered by the works of man?

Mr. CHURCH. The Senator is correct. That is the objective, and unless we take action now, the remaining rivers in this category will rapidly disappear.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. HOLLAND. Mr. President, as the Senator knows, we have great concern in the State of Florida—and I am sure this is also true in the State of Georgia, which is also affected—with reference to the inclusion of the Suwannee River in the study category of the pending bill. The Suwannee River is fabled in song and story and much loved by a great many people. It is treasured for economic reasons by other people.

May I ask the distinguished Senator, does the inclusion of the Suwannee River in the study category mean that the States will have a right to be consulted and to be heard before any step beyond that can be taken?

Mr. CHURCH. The Senator is correct. The bill contains provisions to assure that the Governors of both States, the interested State agencies and, indeed, the State legislatures, will have an opportunity to participate fully in any study that takes place looking toward the possible inclusion of the Suwannee River in the national system.

Mr. HOLLAND. What would be the effect, under the pending bill, let us say, on the Governors of the State of Florida and Georgia and on the citizens of the States of Florida and Georgia, prior to the taking of any action that would lead toward the inclusion of the Suwannee River in the category of wild rivers?

Mr. CHURCH. I think I can answer that question best by quoting directly from the bill.

Section 4 (a) on page 24 reads as follows:

> The Secretary of the Interior, and the Secretary of Agriculture where national forest lands are involved, after consultation with interested Federal agencies, are directed to consult with the Governors and officials of the States in which the rivers listed below are located to ascertain whether a joint Federal-State plan is feasible and desirable in the public interest to conserve segments of these rivers. The appropriate Secretary shall submit to the President within five years from the date of enactment of this Act his recommendations for inclusion of any or all of them in the National Wild and Scenic Rivers System, and the President shall submit to the Congress his recommendations for such legislation as he deems appropriate:

I emphasize that after these consultations take place and the positions of the Governors and the interested State agencies have been ascertained, the river may not be included in the system without an affirmative act of Congress. So, it comes back to us after we have had the full benefit of consultation with the States concerned.

As the Senator knows, no river in Florida is likely to be included by Congress without very weighty consideration being given to the position taken by the Senators representing Florida.

Mr. HOLLAND. Mr. President, I thank the distinguished Senator.

Do I correctly understand that this situation applies both to the entire river and to any segment of the river that may be considered for inclusion in the wild rivers project?

Mr. CHURCH. The Senator is correct.

Mr. HOLLAND. Do I correctly understand that there is no power in the President by Executive order to include a river and that, to the contrary, all that the President could do would be to recommend to the Congress for its action a course of action which he thought should be taken.

Mr. CHURCH. The Senator is correct. And Congress would have before it not only the recommendation of the President, but also the positions taken by the Governors of the States concerned, and of the other State agencies, before Congress would act.

Mr. HOLLAND. There is one other thing that I should like to ask. Is there any plan included under the pending bill for an immediate proceeding as to some of the rivers that are classed as wild rivers, so that the rest of the Nation can see what is involved in this project?

Mr. CHURCH. Yes, indeed.

Mr. HOLLAND. I think too little is known about just what is involved and what is proposed to be done.

Mr. CHURCH. The bill does establish an initial system, and there will be an opportunity for the rest of the country to observe the administration of that system, while these other rivers listed in the study category of the bill are being further investigated.

We think that the guidelines in the pending bill are sufficient to achieve the objectives of the legislation and to establish a system that will one day have the same degree of public recognition and

support that is now according to the national park system.

Mr. HOLLAND. Mr. President, I have one more question, if I may ask it.

Is there any pattern set down by the bill whereby a uniform width of the area to be included is provided, or would that depend in each instance upon the geography of the river as well as upon the wishes of the State and the wishes of Congress as to what would be the particular pattern to be followed in that particular case?

Mr. CHURCH. The bill contains a formula which is designed to accomplish both——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time may be extended for 5 minutes before the vote is taken, and I also ask unanimous consent that the application of rule XII be waived.

The PRESIDING OFFICER. Is there objection The Chair hears none, and it is so ordered.

Mr. CHURCH. Section 5(a) sets the maximum acreage for boundaries of the national wild and scenic river area at 320 acres per mile on both sides of the stream, tributary, or river. This sets a limitation on the size, but allows enough flexibility to accommodate different geographical conditions.

Mr. HOLLAND. This is a maximum limitation?

Mr. CHURCH. This is a maximum limitation.

Mr. HOLLAND. Meaning that in any particular case where the purposes would not require it to go that far out from the river, that limitation would not apply?

Mr. CHURCH. That is correct.

Mr. HOLLAND. It could be less than that, but never more?

Mr. CHURCH. It could be less than that, but never more.

Mr. HOLLAND. I thank the Senator.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 119) was ordered to be engrossed for a third reading and was read the third time.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr MONDALE. I thank the distinguished Senator for permitting me to engage in a short colloquy with the distinguished junior Senator from Wisconsin [Mr. NELSON], with respect to the provisions of the scenic Saint Croix bill, which is now incorporated as a part of this broader scenic rivers proposal.

The Senate Interior Committee limited the power of the Secretary of Agriculture or the Secretary of the Interior to acquire land by condemnation under this legislation. Could the Senator describe how that power is limited?

Mr. NELSON. Yes. We limited the boundaries of any scenic river area to not more than 320 acres per mile on both sides of the river, and within those boundaries restricted fee acquisition to only 100 acres per mile. In addition, on rivers where Federal ownership presently exceeds 50 percent of river bank property, no additional acquisition by condemnation is permitted.

Mr. MONDALE. In allowing the Secretarys to acquire up to 100 acres per mile in fee title, was it the committee's intention that they should in fact exercise that authorization to the fullest extent possible?

Mr. NELSON. No. As a matter of fact, the committee's intention was just the opposite. We intended the Secretarys' powers of condemnation to be used to protect scenic and wild rivers from commercial and industrial destruction, not for indiscriminate acquisition. The bill is not a land grab, and the condemnation power is primarily for acquisition of appropriate public access sites.

Mr. MONDALE. Even in areas where industrial or commercial development threatens the river, would the bill require that the Secretary in every case purchase the fee title to the land for protective purposes?

Mr. NELSON. No. We hope that the Secretaries will in every possible case use their power to acquire scenic easements instead of outright purchase. Not only will this be cheaper and less costly, but also, it will provide suitable protection for the scenic and recreational qualities of rivers without unduly disturbing existing patterns of residential ownership.

Mr. MONDALE. I have special concern about the St. Croix River in this connection, as does the Senator from Wisconsin. Has the committee expressed its intent in this regard in the committee report in any way?

Mr. NELSON. Yes. The committee report states specifically that it is the committee's intention that local units of government along scenic and wild rivers will be encouraged to adopt suitable zoning ordinances which will protect the river's qualities. Furthermore, and this is the most important protection, the committee report states at page 5:

> For example, it is intended that in that section of the Saint Croix River described in section 3(b)(1) that acquisition will be limited to less than 1,000 acres to be used as access points and that the remainder of that segment will be primarily controlled by local zoning ordinances.

I believe this establishes the committee's intention that the acquisition power of the Secretaries is to be used judiciously—primarily for public access and facilities. On the lower St. Croix River in particular, protection for the river should be accomplished by zoning and, if necessary, by the purchase of scenic easements.

Mr. MONDALE. I believe the answers to those questions have been most helpful.

It is my understanding that the Department of the Interior has deveolped a specific plan for the development and use, within the provisions of this act, of the Lower St. Croix. Is my understanding correct?

Mr. NELSON. The Senator's understanding is correct. As the Senator knows, as the coauthor of the St. Croix scenic river bill, last year we went into the question of the development on the lower St. Croix, Taylor Falls, and St. Croix Falls. The provisions of this bill are intended to implement the intent of the bill that we passed the last time—that is, there will be not more than 1,000 acres used for public access points, and that will involve not more than 6 points.

Mr. MONDALE. And those points have been rather well identified already on existing maps and are known to the committee?

Mr. NELSON. That is correct.

Mr. MONDALE. Is it the intention of Congress to permit the acquisition of homes and cottages beyond those points?

Mr. NELSON. No. The only acquisition of homes or property may be within the access points themselves; and, as the Senator from Minnesota has stated, the access points have been carefully delineated already. Even so, the property owner is entitled to maintain his cottage or his home for his lifetime or for 25 years, at his option.

Because of the Senator's insistence on this point, the committee and its staff gave very detailed and thorough consideration to including several of the provisions of S. 368 in the overall bill now before us. But we were faced with the difficulty of drafting one bill of nationwide application to a number of rivers, and found that some of these provisions would not be helpful in rivers elsewhere in the United States. But I believe that the final version of the wild and scenic rivers bill takes care of the concerns the Senator has, even though these are not spelled out in as detailed a fashion as might be possible. But the committee was unable to do this, because we were working with a national bill. But it is not the committee's intent to take any residences away from homeowners except in isolated cases of public access sites.

Mr. MONDALE. I am glad to have this clarified. One of the problems has been that in the last Congress we had a specific St. Croix scenic rivers bill; but now that it is part of a national program, it is not possible to have all the special problems, as we identified them, incorporated in particular terms. I believe this colloquy helps, so that the same intention exists with respect with development of the St. Croix as was embodied essentially in that measure, as we define them.

I express my profound appreciation for the leadership of the chairman of the subcommittee and the floor manager of this most important measure, and for the leadership of the Senator from Wisconsin [Mr. NELSON], who continues to be one of the great leaders of this country in conservation matters. I have found it most fulfilling and valuable to work with him on this proposal, and I believe it will be a wonderful day for the upper Midwest if the bill is passed.

I am glad to see that the committee included the Big Fork River in its study section, because I believe it is a river of great potential for this purpose.

Mr. CHURCH. I thank the Senator. I am grateful for the support he has given

to the pending measure, and I wish to associate myself with his remarks with regard to the Senator from Wisconsin [Mr. NELSON].

Mr. SYMINGTON. Mr. President, natural rivers are a part of our national heritage and should be preserved. Many of our remaining free-flowing rivers are under threat of pollution, impoundment and other destructive assault. The Senate Committee on Interior and Insular Affairs has given the matter thorough study and now recommends this bill to establish a national wild and scenic rivers system.

Last year, a similar measure was approved by the Senate by a vote of 71 to 1. This year's bill, S. 119, which I cosponsored, is broadened to provide for two categories of rivers; "wild" for sparsely populated, rugged areas; and "scenic" for more accessible but still pastoral areas.

It is pleasing to note that the entire Eleven Point River, all the way from its headwaters at Thomasville, Mo., to the Black River in Arkansas, has been recommended as a scenic river.

S. 119 would also designate 27 other rivers, including the Gasconade in central Missouri, as candidates for future inclusion in the national system.

I am glad to support this measure, and hope that it will soon be enacted into law.

The PRESIDING OFFICER. Pursuant to the order previously entered, the time to vote on the bill has arrived.

The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Virginia [Mr. BYRD], the Senator from Connecticut [Mr. DODD], the Senator from Oklahoma [Mr. HARRIS], the Senator from Virginia [Mr. SPONG], and the Senator from Maryland [Mr. TYDINGS] are absent on official business.

I also announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. MCGEE], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PELL], the Senator from Georgia [Mr. RUSSELL], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Wyoming [Mr. MCGEE], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PELL], and the Senator from Maryland [Mr. TYDINGS] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Pennsylvania [Mr. SCOTT] is absent on official business and, if present and voting, would vote "yea."

The result was announced—yeas 84, nays 0, as follows:

[No. 208 Leg.]

YEAS—84

Aiken	Hart	Mondale
Allott	Hartke	Monroney
Anderson	Hatfield	Montoya
Baker	Hayden	Morse
Bartlett	Hickenlooper	Morton
Bennett	Hill	Moss
Bible	Holland	Mundt
Boggs	Hollings	Murphy
Brewster	Hruska	Nelson
Brooke	Inouye	Pastore
Burdick	Jackson	Pearson
Byrd, W. Va.	Javits	Percy
Cannon	Jordan, N.C.	Prouty
Carlson	Jordan, Idaho	Proxmire
Case	Kennedy, Mass.	Randolph
Church	Kennedy, N.Y.	Ribicoff
Clark	Kuchel	Smathers
Cooper	Lausche	Smith
Cotton	Long, Mo.	Sparkman
Curtis	Long, La.	Symington
Dirksen	Magnuson	Talmadge
Dominick	Mansfield	Thurmond
Ellender	McCarthy	Tower
Ervin	McClellan	Williams, N.J.
Fannin	McGovern	Williams, Del.
Fong	McIntyre	Yarborough
Griffin	Metcalf	Young, N. Dak.
Hansen	Miller	Young, Ohio

NAYS—0

NOT VOTING—16

Bayh	Gruening	Scott
Byrd, Va.	Harris	Spong
Dodd	McGee	Stennis
Eastland	Muskie	Tydings
Fulbright	Pell	
Gore	Russell	

So the bill (S. 119) was passed.

The title was amended, so as to read: "A bill to reserve certain public lands for a National Wild and Scenic Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes."

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KUCHEL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the senior Senator from Idaho [Mr. CHURCH] has again successfully handled a measure of vital importance to the Nation insofar as it preserves for all Americans some of the most beautiful natural waterways on this continent. His flawless management of the bill, S. 119, which establishes a system of national wild and scenic rivers, produced its endorsement by all Members.

His long and persistent efforts lead the way for the success of this measure; appropriatedly, it drew nothing short of unanimous approval—an outstanding achievement for Senator CHURCH and for the preservation of our ever diminishing wilderness areas. The Senate and indeed the Nation are most grateful. If finally enacted, ours and all future generations shall benefit because of his strong efforts.

Joining Senator CHURCH to assure unanimous adoption by the Senate was his colleague from Idaho [Mr. JORDAN]. Like Senator CHURCH, Senator JORDAN has been consistently committed to the preservation and maintenance of the Nation's natural resources, including its magnificent wilderness areas. He too worked long and hard for today's success and deserves the Senate's high commendation.

The junior Senator from Washington [Mr. JACKSON], the able and outstanding chairman of the Committee on the Interior, is similarly to be commended. He contributed immensely to the discussion, offered his clear and convincing views and supported the measure with typically capable advocacy. The senior Senator from Texas [Mr. YARBOROUGH] deserves equally high commendation. His efforts produced the assurance of consideration of another natural waterway for inclusion in the proposed national river system. We are grateful.

Other Senators also joined the discussion. Noteworthy were the views added by the Senator from Ohio [Mr. LAUSCHE], the Senator from Georgia [Mr. TALMADGE] and the Senator from Florida [Mr. HOLLAND]. Their interest is always welcome; their analysis always thoughtful. The Senate may be proud of another fine achievement gained with such generous consideration for the views of all Members that unanimous approval on final passage was a certainty.

Mr. KENNEDY of New York. Mr. President, our action today in approving by a unanimous vote the wild and scenic rivers bill will preserve certain portions of our rivers in their original condition for the benefit and pleasure of present and future generations of Americans. I am pleased to join in support of this important measure. I have personally traveled a number of these rivers and can attest to their great natural beauty and an excitant which must be preserved for future generations of Americans.

As our needs for power generation, navigation, water supply, and irrigation increase—and they will increase at a staggering rate in the remaining years of the 20th century—we will find it necessary to modify many of our rivers and lakes.

This modification will materially change the nature of these rivers, in some cases flooding rivers for navigation purposes, and in other cases artificially lowering rivers during certain periods of the year for irrigation purposes. I am sure that we will support these modifications as they are required. Navigation, creation of reservoirs, additional power generation are important aspects of our daily life and commerce.

However, because of the many pressures for use of our rivers, pressures that are increasing as our population grows and its needs increase, it becomes doubly important that we designate at this time, those rivers that we wish to preserve or return to their original condition.

These rivers can offer to present and future generations recreational, scenic and spiritual value that would not be gained elsewhere.

If these rivers are not so designated at this time, we will not be able to go back and re-create their original state. Once a dam is built, a river is straightened, or water control systems are built for irrigation purposes, we cannot reverse our actions.

This is why it is important to designate portions of the Salmon, the Clearwater, the Rogue, the Rio Grande, the Green, and the Suwannee as parts of a national wild rivers system. The beauty and grandeur of these rivers is eloquent

testimony in itself as to why they should be included in this system.

In addition to the rivers listed for initial inclusion in the wild rivers system, certain other rivers are designated for possible inclusion at a later date, should the State and Federal agencies concerned agree that this is desirable and feasible.

One of these rivers is the East Fork of the Susquehanna from Cooperstown, N.Y., to Pittston, Pa. I would like very much to see this river included.

Some of these other rivers are located in more built-up areas where both private and public developments have already somewhat modified the character of the river. In this sense they have already been partially tamed. It may not be possible to include the entire portion of the river within the system. It may also be necessary to modify the provisions of the system for each of these additional rivers so that the best solution for the individual river is reached.

I am sure that New York State and municipal officials will work closely together with the appropriate Federal agencies to determine under what conditions the East Fork of the Susquehanna can be included in the wild rivers system. I know that full consideration will be given to the individual requirements on each of these rivers.

I know also that the people of New York State and the surrounding States are interested in preserving some of our rivers in their wild state—and for those of you from the West that do not think the upper Hudson or the Susquehanna can be wild, I extend an invitation for a personal inspection—for their pleasure and for the pleasure of future generations. They know that the major population growth in the remainder of this century will take place close to existing urban areas. They know that we must act now if we are to conserve these portions of our natural heritage.

Our action today is an important step toward preserving the natural beauty of our rivers. The benefits of this action will be enjoyed by all Americans for generations. These rivers will be enjoyed for their scenic splendor and for their recreational value. By this action, we improve the quality of our environment, and that improvement contributes to a better quality of life for all of us.

A TIME FOR EVALUATION

Mr. HANSEN. Mr. President, I address myself to the problem we face of insuring adequate money to carry out responsibilities for vital domestic programs and the Vietnam war, while keeping the Federal deficit from ballooning to the monstrous size the administration is now unhappily predicting.

In order to fulfill all our responsibilities, some say we must increase taxes; others say there are numerous instances where spending can and should be reduced. At the outset, I am inclined to support the latter course, and I wish to point out an area where nearly 2 billion taxpayer dollars might be freed from a presently wasteful use, where cynical political maneuvering might be eliminated, and where the livelihood of this Nation's second largest industry might be freed from dependence on the Government for its sustaintance.

I refer to our current farm programs and to the funds—nearly $2 billion in 1966—paid directly to wheat and feed grain producers in the form of price supports and diversion payments.

An increasing amount of mail from agricultural constituents and consumers in my State has convinced me we need to take a close look at the inequities and future direction of our farm policy.

I have observed the impact of the wheat and feed grains program, and its influence in my own State on livestock production; and I have attempted to study its complexities and implications.

As I recall, the programs were originally enacted for the purpose of reducing huge post-war surpluses by paying farmers to divert acres from production. While it appeared to provide the answer to a problem many years ago, the wheat and feed grains program is now outmoded, extremely costly, and totally unnecessary in light of the present overall situation.

Although huge Government-held surpluses have largely disappeared, this has been more the result of greatly increased exports than the effectiveness of the program. In fact, production under this program has been higher than before it was initiated. There are numerous instances where diversion payments have gone to producers for land that would not have produced wheat or feed grains without the program. These payments have helped finance yield-increasing practices on the remaining acreage.

ASCS offices in eastern soft-wheat areas currently are purchasing large amounts of wheat to be added to CCC stocks, because overproduction has caused a lack of storage facilities and the prices have fallen below the local loan rate.

Some paradoxes exist which would have been almost amusing, were they not so serious in their effect. Farmers are harder hit than ever by skyrocketing costs and lower prices for their products, largely due to the inequities of the very programs designed to solve their problems.

The Government spends nearly $2 billion in payments to wheat and feed grain producers to reduce yield; while simultaneously spending untold amounts in scientific and technological research to encourage more production on less land.

What do farmers think about Government farm programs? Farm Journal, a nationally known agricultural magazine, conducted polls of its rural readers in 1959, 1962, and 1966. The results, even though limited to the opinions of about 19,000 farmers, came from all the States and represented all the various cross-sections of agriculture.

The final count revealed the following statistics with respect to Government price supports and controls:

In the 1959 poll, 55 percent voted for no supports and no controls;

In 1962, 52 percent rejected supports and controls; and,

In 1966, 63 percent voted to get the Government out of the business of farm price supports and controls, while 27 percent voted for "some supports." Only 10 percent thought programs should be continued as they are.

Several years ago when a producer referendum was held, the majority of wheat and feed grain producers voted overwhelmingly against Government controls. Congress then enacted a voluntary program, and in order to encourage participation, the Government used various means—including the dumping of surplus stocks on the market to depress prices—to induce producers to sign up.

Obviously, the majority of farmers would prefer to produce what they feel they can sell, and take their knocks in the marketplace without having to depend on political manipulations in Washington for a large portion of their income.

If the farmers do not want the program, and if repealing it would save the taxpayers money, then there is no justification for failing to give serious and objective consideration to the merits of a market-oriented system. It is time to reexamine and reevaluate the wheat and feed grains program.

IMPLEMENTATION OF IMMIGRATION REFORM ACT OF 1965

Mr. FONG. Mr. President, section 203 (a) (7) of the Immigration and Nationality Act provides for the conditional entry of refugees into the United States. The language of that provisions reads as follows:

(7) Conditional entries shall next be made available by the Attorney General, pursuant to such regulations as he may prescribe and in a number not to exceed 6 per centum of the number specified in section 201(a)(ii), to aliens who satisfy an Immigration and Naturalization Service officer at an examination in any non-Communist or non-Communist-dominated country, (A) that (i) because of persecution or fear of persecution on account of race, religion, or political opinion they have fled (I) from any Communist or Communist-dominated country or area, or (II) from any country within the general area of the Middle East, and (ii) are unable or unwilling to return to such country or area on account of race, religion, or political opinion, and (iii) are not nationals of the countries or areas in which their application for conditional entry is made; or (B) that they are persons uprooted by catastrophic natural calamity as defined by the President who are unable to return to their usual place of abode. For the purpose of the foregoing the term "general area of the Middle East" means the area between and including (1) Libya on the west, (2) Turkey on the north, (3) Pakistan on the east, and (4) Saudi Arabia and Ethiopia on the south: *Provided*, That immigrant visas in a number not exceeding one-half the number specified in this paragraph may be made available, in lieu of conditional entries of a like number, to such aliens who have been continuously physically present in the United States for a period of at least two years prior to application for adjustment of status.

Mr. President, on July 12, 1967, I sent a letter to Secretary of State Dean Rusk strongly protesting the Department's partial implementation of this section 203(a)(7) of the Immigration Reform Act of 1965.

I pointed out at that time that by establishing refugee offices in six Euro-

90TH CONGRESS
1ST SESSION

S. 119

IN THE HOUSE OF REPRESENTATIVES

AUGUST 9, 1967

Referred to the Committee on Interior and Insular Affairs

AN ACT

To reserve certain public lands for a National Wild and Scenic Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Wild and Scenic Rivers Act".

STATEMENT OF POLICY

SEC. 2. (a) The Congress finds that some of the free-flowing rivers of the United States and related adjacent land areas possess outstanding scenic, fish, wildlife, and outdoor

1 recreation values of present and potential benefit to the Amer-
2 ican people. The Congress also finds that our established na-
3 tional policy of dam and other construction at appropriate
4 sections of the rivers of the United States needs to be comple-
5 mented by a policy that would preserve other selected rivers
6 or sections thereof in their free-flowing condition to protect
7 the water quality of such rivers and to fulfill other vital na-
8 tional conservation purposes. It is the policy of Congress to
9 preserve, develop, reclaim, and make accessible for the benefit
10 of all of the American people, selected parts of the Nation's
11 diminishing resource of free-flowing rivers. For this purpose
12 there is hereby established a National Wild and Scenic Rivers
13 System to be composed of (a) the areas designated by this
14 Act or subsequent Acts as "national wild river areas" and
15 "national scenic river areas," and (b) those State or locally
16 administered wild or scenic river areas designated by the
17 Secretary of Interior as part of the system. Areas designated
18 as national "wild" or "scenic" river areas by subsequent Acts
19 of Congress shall be administered in accordance with the
20 provisions of this Act unless the subsequent Acts provide
21 otherwise.
22 DEFINITION OF WILD RIVER AREA
23 (b) A wild river area eligible to be included in the
24 System is a stream or section of a stream, tributary, or
25 river—and the related adjacent lands—located in a sparsely

1 populated, natural, and rugged environment where the river
2 is free flowing and unpolluted, or where the river should be
3 restored to such condition, in order to promote sound water
4 conservation, and promote the public use and enjoyment of
5 the scenic, fish, wildlife, and outdoor recreation values.

6 DEFINITION OF SCENIC RIVER AREA

7 (c) A scenic river area eligible to be included in the
8 System is a stream or section of a stream, tributary, or
9 river—and the related adjacent lands—that is unpolluted and
10 should be left in its pastoral or scenic attractiveness, or that
11 should be restored to such condition, in order to protect, de-
12 velop, and make accessible its significant national outdoor
13 recreational resources for public use and enjoyment.

14 NATIONAL WILD RIVERS

15 SEC. 3. (a) The following rivers, or segments thereof,
16 and related adjacent lands, are hereby designated as
17 "national wild river areas":

18 (1) Salmon, Middle Fork, Idaho—from its origin
19 to its confluence with the main Salmon River.

20 (2) Clearwater, Middle Fork, Idaho—the Middle
21 Fork from the town of Kooskia upstream to the town of
22 Lowell; the Lochsa River from its junction with the
23 Selway at Lowell forming the Middle Fork, upstream
24 to the Powell Ranger Station; and the Selway River
25 from Lowell upstream to its origin.

(3) Rio Grande, New Mexico—the segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River.

(4) Saint Croix, Minnesota and Wisconsin—the segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from its confluence upstream with the Saint Croix to the dam near Trego, Wisconsin.

(5) Wolf, Wisconsin—From Langlade-Menominee County Line downstream to Keshena Falls.

(6) Rogue, Oregon—The segment of the river extending from the month of Graves Creek downstream to river mile 38, below Flea Creek.

(7) Illinois, Oregon—The segment of the river extending from Briggs Creek downstream to Lawson Creek.

NATIONAL SCENIC RIVERS

(b) The following rivers, or segments thereof, and related, adjacent lands, are hereby designated as "national scenic river areas":

(1) Saint Croix, Wisconsin and Minnesota—downstream from the dam near Taylors Falls, Minnesota, to its confluence with the Mississippi River.

(2) Eleven Point, Missouri—the segment of the

river extending downstream from Thomasville to State Highway 142.

(3) Rogue, Oregon—The segment of the river extending from the mouth of the Applegate River, downstream to the mouth of Graves Creek; and that segment of the river extending from river mile 38 below Flea Creek downstream to the Lobster Creek Bridge.

(4) Illinois, Oregon—That segment of the river extending from the mouth of Deer Creek, downstream to Briggs Creek; and that segment of the river extending from Lawson Creek downstream to its confluence with the Rogue.

(5) Namekagon, Wisconsin—that section of the river extending from Lake Namekagon downstream to the dam near Trego, Wisconsin.

FEDERAL-STATE PLANNING FOR ADDITIONS TO SYSTEM

SEC. 4. (a) The Secretary of the Interior, and the Secretary of Agriculture where national forest lands are involved, after consultation with interested Federal agencies, are directed to consult with the Governors and officials of the States in which the rivers listed below are located to ascertain whether a joint Federal-State plan is feasible and desirable in the public interest to conserve segments of these rivers. The appropriate Secretary shall submit to the President within five years from the date of enactment of this Act his

1 recommendations for inclusion of any or all of them in the
2 National Wild and Scenic Rivers System, and the President
3 shall submit to the Congress his recommendations for such
4 legislation as he deems appropriate:

5 (1) Salmon, Idaho—from the town of North Fork
6 downstream to its confluence with the Snake River.

7 (2) Buffalo, Tennessee—the entire river from its
8 beginning in Lawrence County to its confluence with the
9 Duck River.

10 (3) Big Fork, Minnesota—the entire river.

11 (4) Hudson, New York—the segment of the main
12 stem extending from its origin in the Adirondack Park
13 downstream to the vicinity of the town of Luzerne:
14 Boreas River from its mouth to Durgin Brook; Indian
15 River from its mouth to Abanakee Dam; and Cedar
16 River from its mouth to Cedar River flow.

17 (5) Missouri, Montana—the segment upstream
18 from Fort Peck Reservoir toward the town of Fort
19 Benton.

20 (6) Niobrara, Nebraska—the mainstem segment
21 lying between the confluence of Antelope Creek down-
22 stream to the headwaters of the proposed Norden Res-
23 ervoir east of the town of Valentine, and the lower eight
24 miles of its Snake River tributary.

25 (7) Skagit, Washington—the Skagit from the town

of Mount Vernon upstream to Gorge powerhouse near the town of Newhalem; the Cascade River from its mouth to the confluence of the North and South Forks; the Sauk from its mouth to Elliott Creek; and the Suiattle from its mouth to Milk Creek.

(8) Susquehanna, New York and Pennsylvania—the segment of the Susquehanna River from a dam at Cooperstown, New York, downstream to the town of Pittston, Pennsylvania.

(9) Suwannee, Georgia and Florida—entire river from its source in the Okefenokee Swamp in Georgia to the gulf, and the outlying Ichetucknee Springs, Florida.

(10) Youghiogheny, Maryland and Pennsylvania—from Oakland, Maryland, to the Youghiogheny Reservoir, and from the Youghiogheny Dam downstream to the town of Connellsville, Pennsylvania.

(11) Little Miami, Ohio—the segment of the Little Miami River in Clark, Greene, Warren, and Clermont Counties from a point in the vicinity of Clifton, Ohio, downstream to a point in the vicinity of Morrow, Ohio.

(12) Little Beaver, Ohio—the segment of the North and Middle Forks of the Little Beaver River in Columbiana County, from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.

(13) Maumee, Ohio—from Perrysburg, Ohio, to Fort Wayne, Indiana.

(14) Pine Creek, Pennsylvania—the segment from Ansonia, Pennsylvania, to Waterville, Pennsylvania.

(15) Delaware, Pennsylvania and New York—the segment from Hancock, New York, to Matamoras, Pennsylvania.

(16) Allegheny, Pennsylvania—the segment from the Allegheny Reservoir at Kinzua, Pennsylvania, to Tionesta, Pennsylvania, and then from Franklin, Pennsylvania, to East Brady, Pennsylvania.

(17) Clarion, Pennsylvania—the segment from where it enters the Allegheny River to Ridgway, Pennsylvania.

(18) West Branch Susquehanna, Pennsylvania—the segment of the West Branch Susquehanna from Clearfield, Pennsylvania, to Lock Haven, Pennsylvania.

(19) Chattooga, North Carolina, South Carolina and Georgia—the entire river.

(20) Flathead, Montana—the North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

(21) Gasconade, Missouri—the entire river.

1 (22) Guadalupe, Texas—the entire river.

2 (23) Klamath, California—the segment from Scott
3 River downstream to a point two miles upstream from
4 United States 101 crossing.

5 (24) Penobscot, Maine—its east and west branches.

6 (25) Pere Marquette, Michigan—the entire river.

7 (26) Upper Iowa, Iowa—the entire river.

8 (27) Feather, California—the Middle Fork.

9 (28) Rio Grande, Texas—the segment from Pre-
10 sidio to Langtry.

11 (b) In all planning for the use and development of water
12 and related land resources, consideration shall be given by all
13 Federal agencies involved to potential national wild or scenic
14 river areas, and all river basin and project plan reports
15 submitted to the Congress shall consider and discuss any such
16 potentials. The Secretary of the Interior and the Secretary of
17 Agriculture shall make specific studies and investigations to
18 determine which additional wild or scenic river areas within
19 the United States shall be evaluated in planning reports by
20 all Federal agencies as potential alternative uses of the water
21 and related land resources involved.

22 (c) The Secretary of the Interior and the Secretary of
23 Agriculture shall also submit, in accordance with the proce-
24 dures and requirements of this section, to the President from

1 time to time their recommendations for inclusion in the Na-
2 tional Wild and Scenic Rivers System of any other river or
3 segment thereof. The President shall submit to the Congress
4 his recommendations for such legislation as he deems appro-
5 priate.

6 (d) Recommendations made under this section shall be
7 developed in consultation with the States, those Federal agen-
8 cies which normally participate in the development of recrea-
9 tion plans and comprehensive river basin plans, any com-
10 missions established pursuant to interstate compacts the as-
11 signed responsibilities of which would be affected, commissions
12 or other bodies which may be established for the purpose of
13 developing a comprehensive plan for the river basin within
14 which the contemplated national wild or scenic river area
15 would be located, and the public through local public hearings.
16 Each such recommendation shall be accompanied by (1) ex-
17 pressions of any views which the agencies and States consulted
18 pursuant to the foregoing may submit: *Provided,* That no
19 river or portion of any river shall be added to the National
20 Wild and Scenic Rivers System subsequent to enactment of
21 this Act until the close of the next full session of the State
22 legislature, or legislatures in case more than one State is
23 involved, which begins following the submission of any rec-
24 ommendation to the President with respect to such addition
25 as herein provided, (2) a statement setting forth the proba-

1 ble effect of the recommended action on any comprehensive
2 river basin plan that may have been adopted by Congress or
3 that is serving as a guide for coordinating Federal or Federal
4 and State programs in the basin, and (3) in the absence of
5 such plan, a statement indicating the probable effect of the
6 recommended action on alternative beneficial uses of the
7 resources of the basin.

8 REPORT ON LAND ACQUISITION

9 (e) Any recommendation for an addition to the Na-
10 tional Wild and Scenic Rivers System shall indicate the
11 extent to which land will need to be acquired by the State
12 and by the Federal Government, and the extent to which the
13 acquisition of scenic easements or other interests in land may
14 be an adequate substitute for the acquisition of a fee title.

15 ADMINISTRATION OF SYSTEM

16 SEC. 5. (a) The Secretary charged with the administra-
17 tion of each national wild or scenic river area, or portion
18 thereof, shall establish detailed boundaries for such areas,
19 within the limits set by this Act. Such boundaries may be
20 revised from time to time, but may not include on both sides
21 of the stream, tributary, or river a total of more than three
22 hundred and twenty acres per mile. The appropriate Secre-
23 tary shall publish notice of detailed boundaries in the Federal
24 Register, together with appropriate descriptions, and shall

1 make such official boundary description available to the public
2 through appropriate Federal, State, and local agencies.
3 (b) National wild and scenic river areas designated by
4 Acts of Congress shall be administered by the Secretary of the
5 Interior, except that when the national wild or scenic river
6 area is wholly within, partly within, or closely adjacent to, a
7 national forest such area shall be administered by the Secre-
8 tary of Agriculture unless it is also partly within, or closely
9 adjacent to an area administered by the Secretary of the Inte-
10 rior, in which event administration over the river area shall be
11 determined as agreed upon by the Secretary of the Interior
12 and the Secretary of Agriculture, or as directed by the Presi-
13 dent. The Secretary charged with the administration of a
14 national wild or scenic river area or portion thereof, may
15 enter into written cooperative agreements with the Governor of
16 the State, or other appropriate local official, for State or local
17 governmental participation in the administration of the area.
18 The States shall be encouraged to cooperate in the planning
19 and administration of such areas where they include State-
20 owned lands. Any Federal land located within a national
21 wild or scenic river area may, with the consent of the agency
22 having jurisdiction thereof, be transferred to the jurisdiction
23 of the appropriate Secretary or State for administration as
24 part of the area.
25 (c) Each component of the National Wild and Scenic

1 Rivers System shall be administered in such manner as to
2 protect and enhance the values which caused it to be included
3 in said System, without prohibiting the construction of roads
4 or bridges, timber harvesting and livestock grazing, and
5 other uses that do not substantially interfere with public use
6 and enjoyment of these values. In such administration, pri-
7 ority emphasis shall be given to protecting its esthetic, scenic,
8 historic, fish and wildlife, archeologic, scientific, and recrea-
9 tional features, based on the special attributes of the area.
10 In order to accomplish these purposes, the Secretary of the
11 Interior may utilize any authority he has under other pro-
12 visions of law with respect to rights-of-way, easements, and
13 enforcement of rules and regulations.

14 The Secretary of Agriculture, in administering a na-
15 tional wild or scenic river area, shall utilize the statutory
16 authorities relating to the national forests in such manner as
17 he deems appropriate to carry out the purposes of this Act.

18 (d) Within the exterior boundaries of a national wild
19 or scenic river area, the Secretary of the Interior or the
20 Secretary of Agriculture may acquire lands or interests
21 therein by donation, purchase with donated or appropriated
22 funds, exchange, or otherwise: *Provided*, That on both sides
23 of the stream, tributary, or river a total of not more than
24 one hundred acres per mile may be acquired in fee under

1 authority of this Act, except that the appropriate Secretary
2 may acquire the portion of any individual tract of land
3 which lies outside of the boundaries of a national wild or
4 scenic river area, with the consent of the owner, in order
5 to avoid the payment of severance costs: *Provided further,*
6 That neither Secretary may acquire lands, waters, or inter-
7 ests therein by condemnation without the owner's consent
8 when 50 per centum or more of the acreage within the entire
9 national wild or scenic river area is owned by Federal, State,
10 or local governmental agencies, but this limitation shall not
11 apply to the acquisition of scenic easements. Lands owned by
12 a State may be acquired only with the consent of the owner.
13 Lands owned by an Indian tribe may be acquired only
14 with the consent of the tribal governing body. In the exer-
15 cise of his exchange authority, the Secretary of the In-
16 terior may accept title to any non-Federal property with-
17 in a national wild or scenic river area, and in exchange
18 therefor he may convey to the grantor of such property
19 any federally owned property under his jurisdiction within
20 the State in which the river or segment thereof runs,
21 except lands within the national park system, the national
22 wildlife refuge system, or revested Oregon and California
23 Railroad and reconveyed Coos Bay Wagon Road grant lands,
24 which he classifies as suitable for exchange or other dis-
25 posal. The properties so exchanged shall be of approximately

1 equal fair market value. If they are not of approximately
2 equal fair market value, the Secretary of the Interior shall
3 accept cash from, or pay cash to, the grantor in order to
4 equalize the values of the properties exchanged. The Secre-
5 tary of Agriculture, in the exercise of his exchange authority,
6 may utilize authorities and procedures available to him in
7 connection with exchanges of national forest lands. Any such
8 lands acquired by the Secretary of Agriculture within or
9 adjacent to a national forest shall upon acquisition become
10 national forest lands. Money appropriated for Federal or
11 State purposes from the land and water conservation fund
12 shall be available for the acquisition of property for the pur-
13 poses of this Act.

14 (e) As used in this Act the term "scenic easement"
15 means the right to control the use of land (including the air
16 space above such land) for the purpose of protecting the
17 scenic view from the river, but such control shall not affect,
18 without the owner's consent, any regular use exercised prior
19 to the acquisition of the easement.

20 (f) Neither the Secretary of the Interior nor the Secre-
21 tary of Agriculture may acquire lands by condemnation, for
22 the purpose of including such lands in any national wild or
23 scenic river area, if such lands are located within any in-
24 corporated city, village, or borough when such entities shall
25 have in force and applicable to such lands a duly adopted,

1 valid zoning ordinance that conforms with the purposes of
2 this Act.

3 (g) Neither the Secretary of the Interior nor the Sec-
4 retary of Agriculture may exercise any authority to acquire
5 county-owned lands within any national wild or scenic river
6 area without the consent of said county as long as the county
7 is following a plan for the management, zoning, and protec-
8 tion of such lands that conforms with the purposes of this
9 Act.

10 (h) (1) In order to carry out the provisions of subsec-
11 tions (f) and (g), the appropriate Secretary shall issue
12 guidelines, specifying standards for local zoning ordinances,
13 which are consistent with the purposes of this Act.

14 (2) The standards specified in such guidelines shall have
15 the object of (A) prohibiting new commercial or industrial
16 uses other than commercial or industrial uses which are con-
17 sistent with the purposes of this Act, and (B) the protection
18 of the bank lands by means of acreage, frontage, and setback
19 requirements on development.

20 (i) (1) Any owner or owners (hereinafter in this sub-
21 section referred to as "owner") of improved property on the
22 date of its acquisition, may retain for themselves and their
23 successors or assigns a right of use and occupancy of the
24 improved property for noncommercial residential purposes
25 for a definite term not to exceed twenty-five years, or, in lieu

1 thereof, for a term ending at the death of the owner, or the
2 death of his spouse, or the death of either of them. The owner
3 shall elect the term to be reserved. The appropriate Secre-
4 tary shall pay to the owner the fair market value of the
5 property on the date of such acquisition less the fair market
6 value on such date of the right retained by the owner.

7 (2) A right of use and occupancy retained pursuant
8 to this subsection shall be subject to termination whenever
9 the Secretary is given reasonable cause to find that such use
10 and occupancy is being exercised in a manner which con-
11 flicts with the purposes of this Act. In the event of such a
12 finding, the Secretary shall tender to the holder of that right
13 an amount equal to the fair market value of that portion
14 of the right which remains unexpired on the date of termina-
15 tion. Such right of use or occupancy shall terminate by
16 operation of law upon tender of the fair market price.

17 (3) The term "improved property", as used in this Act,
18 shall mean a detached, one-family dwelling (hereinafter
19 referred to as "dwelling"), the construction of which was
20 begun before January 1, 1967, together with so much of the
21 land on which the dwelling is situated, the said land being in
22 the same ownership as the dwelling, as the appropriate Sec-
23 retary shall designate to be reasonably necessary for the en-
24 joyment of the dwelling for the sole purpose of noncom-

1 mercial residential use, together with any structures accessory
2 to the dwelling which are situated on the land so designated.
3 (j) No lands, waters, or interests therein other than
4 scenic easements may be administered under this Act as a
5 part of the National Wild and Scenic Rivers System if such
6 lands, waters, or interests were acquired by a State under its
7 power of condemnation for the specific purpose of making
8 such lands, water, or interests therein a part of the National
9 Wild and Scenic Rivers System under this Act.

10 SPECIAL PROVISIONS

11 SEC. 6. (a) Except as specifically authorized by the
12 Congress, the Federal Power Commission shall not author-
13 ize the construction, operation, or maintenance in any na-
14 tional wild or scenic river area of any dam or other project
15 work under the Federal Power Act (41 Stat. 1063), as
16 amended (16 U.S.C. 791a et seq.) : *Provided,* That the pro-
17 visions of that Act shall continue to apply to any project, as
18 defined in that Act, already constructed or under license to be
19 constructed.

20 (b) Except as specifically authorized by the Congress,
21 the Federal Power Commission shall not authorize the con-
22 struction, operation, or maintenance of any dam or other
23 project work under the Federal Power Act (41 Stat. 1063),
24 as amended (16 U.S.C. 791a et seq.) ; on any river, or seg-
25 ment thereof, listed in section 4, subsection (a), during the

1 five-year period following enactment of this Act unless, prior
2 to the expiration of said period, the Secretary of the Interior
3 or the Secretary of Agriculture, on the basis of study, con-
4 cludes that such river should not be included in the National
5 Wild and Scenic Rivers System and publishes notice to that
6 effect in the Federal Register: *Provided*, That the provisions
7 of that Act shall continue to apply to any project, as defined
8 in that Act, already constructed or under license to be
9 constructed.

10 (c) Nothing in this Act shall affect the applicability of
11 the United States mining and mineral leasing laws within the
12 National Wild and Scenic Rivers System, except that all
13 mining claims located after the effective date of this Act shall
14 be subject to such regulations as the Secretary of the Interior,
15 or the Secretary of Agriculture in the case of national forest
16 lands, may prescribe to effectuate the purposes of this Act.
17 Any patent issued shall recite this limitation. All such regu-
18 lations shall provide among other things for safeguards
19 against pollution of the river.

20 (d) Any portion of a national wild or scenic river area
21 that is within the national wilderness preservation system, as
22 established by the Act of September 3, 1964 (Public Law
23 88–577), shall be subject to the provisions of both the Wil-
24 derness Act and this Act with respect to the preservation of
25 such a national wild or scenic river area, and in case of

1 conflict between the provisions of these Acts the more
2 restrictive provisions shall apply.
3 (e) The head of any Federal, State, or local agency
4 administering a national wild or scenic river area shall co-
5 operate with the Secretary of the Interior, and with the
6 appropriate State water pollution control agencies, for the
7 purpose of eliminating or diminishing the pollution of waters
8 within a national wild or scenic river area.
9 (f) The jurisdiction of the States and the United States
10 over waters of any stream included in a national wild or
11 scenic river area shall be determined by established principles
12 of law. Under the provisions of this Act, any taking by the
13 United States of a water right which is vested under either
14 State or Federal law at the time such river is included in the
15 National Wild and Scenic Rivers System shall entitle the
16 owner thereof to just compensation. Nothing in this Act shall
17 constitute an express or implied claim or denial on the part
18 of the Federal Government as to exemption from State water
19 laws.
20 (g) Nothing in this Act shall affect the jurisdiction or re-
21 sponsibilities of the States under other provisions of law
22 with respect to fish and wildlife.
23 (h) Nothing contained in this Act shall be construed
24 to alter, amend, repeal, interpret, modify, or be in conflict
25 with any interstate compact made by any States which con-

1 tain any portion of the National Wild and Scenic Rivers
2 System.
3 (i) Nothing in this Act shall affect existing rights of any
4 State, including the right of access, with respect to the beds
5 of navigable streams, tributaries, or rivers (or segments
6 thereof) located in a national wild or scenic river area.
7 (j) Designation of any stream or portion thereof as a
8 national wild or scenic river area shall not be construed as a
9 reservation of the waters of such streams for purposes other
10 than those specified in this Act, or in quantities greater than
11 necessary to accomplish these purposes.
12 (k) The jurisdiction of the States over waters of any
13 stream included in a national wild or scenic river area shall
14 be unaffected by this Act to the extent that such jurisdiction
15 may be exercised without impairing the purposes of this Act
16 or its administration.
17 STATE AND LOCAL WILD AND SCENIC RIVERS
18 SEC. 7. (a) The Secretary of the Interior is directed
19 to encourage and assist States to consider, in their compre-
20 hensive statewide outdoor recreation plans and proposals
21 for financing assistance for State and local projects sub-
22 mitted pursuant to the Land and Water Conservation Fund
23 Act of 1965 (78 Stat. 897), needs and opportunities for
24 establishing State, interstate, and local wild and scenic river
25 areas. He is further directed, in accordance with the author-

1 ity contained in the Act of May 28, 1963 (77 Stat. 49),
2 to provide technical assistance and advice to, and cooperate
3 with, States, interstate agencies, political subdivisions, and
4 nonprofit private organizations, with respect to establishing
5 such wild or scenic river areas.

6 (b) The Secretary of Agriculture is directed in accord-
7 ance with the authority vested in him to assist, advise, and
8 cooperate with State and local agencies and private interests
9 with respect to establishing such wild or scenic river areas.

10 (c) Upon application of the Governor of the State for
11 the designation of the Allagash Wilderness Waterway in
12 Maine or the segment of the Wolf River in Langlade County,
13 Wisconsin, as part of the National Wild and Scenic Rivers
14 System, the Secretary of the Interior may make such
15 designation if the State or local agency administering the
16 area agrees to manage and protect it in a manner satisfactory
17 to the Secretary.

18 (d) Upon application of the Governor of a State for
19 the designation of any additional State or local wild or scenic
20 river area as part of the National Wild and Scenic Rivers
21 System, the Secretary may make such designation, after con-
22 sultation with interested Federal agencies, if the State, inter-
23 state, or local agency administering the area agrees to manage
24 and protect it in a manner satisfactory to the Secretary.

1 SEC. 8. In recognition of the fact that changes may occur
2 in the circumstances of national wild or scenic river areas in-
3 cluded in the National Wild and Scenic Rivers System or in
4 the needs for the resources associated with such areas, which
5 will require future Congresses to make changes in the system,
6 and in order to assure that the Congress is kept informed of
7 such changes in circumstances or needs, there is created a
8 National Wild and Scenic Rivers Review Board, to make
9 review and furnish reports to the Congress as hereinafter
10 provided.

11 The National Wild and Scenic Rivers Review Board
12 shall consist of the Secretary of the Interior, who shall be its
13 Chairman, the Secretary of Agriculture, the Secretary of the
14 Army, the Chairman of the Federal Power Commission, and
15 the Governors of the several States for the purpose of con-
16 sideration of the status of any national wild or scenic river
17 area included within the National Wild and Scenic Rivers
18 System which lies within their States.

19 Within sixty days after the convening of a new Congress,
20 commencing with the second Congress after the enactment of
21 this Act, the National Wild and Scenic Rivers Review Board
22 shall file a report and recommendations with the President of
23 the Senate and with the Speaker of the House of Representa-

1 tives. Such report shall contain a discussion of any significant
2 developments since the date of enactment of the Act, or since
3 the last report, including but not limited to the following sub-
4 jects: Technology of passage of fish over dams; status and
5 trends of anadromous fish runs; activities by way of construc-
6 tion or otherwise pursuant to international agreements relat-
7 ing to any basin in which national wild or scenic rivers areas
8 are designated; projected national, regional, or local demand
9 for additional electrical generating capacity, particularly as
10 related to existence or possibility of declarations of na-
11 tional emergency; and Federal or State legislative changes
12 which affect the financing of river or reclamation develop-
13 ment projects, including basin account authorizations rela-
14 tive to any basin in which national wild or scenic rivers
15 areas are designated. The National Wild and Scenic Rivers
16 Review Board is authorized and directed to conduct con-
17 tinuing comparative studies which would measure the balance
18 of benefits and detriments of each national wild or scenic
19 river area to the State in which it is located, and to report
20 to Congress, as appropriate, recommendations to assure that,
21 wherever it is found that the reclamation of arid land
22 would better serve the public interest of such State, the
23 same shall not be prejudiced by the national wild or scenic
24 rivers status of any stream.

1 SEC. 9. There are hereby authorized to be appropriated
2 such sums as may be necessary to carry out the provisions of
3 this Act.

Passed the Senate August 8, 1967.

Attest: FRANCIS R. VALEO,
Secretary.

90TH CONGRESS
1ST SESSION

S. 119

AN ACT

To reserve certain public lands for a National Wild and Scenic Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes.

AUGUST 9, 1967

Referred to the Committee on Interior and Insular Affairs

90TH CONGRESS
2D SESSION

H. R. 18260

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 1968

Mr. SAYLOR (for himself, Mr. ASPINALL, Mr. BURTON of California, Mr. BURTON of Utah, Mr. EDMONDSON, Mr. FOLEY, Mr. HANSEN of Idaho, Mr. HOSMER, Mr. JOHNSON of California, Mr. KASTENMEIER, Mr. KAZEN, Mr. KEE, Mr. KUPFERMAN, Mr. KYL, Mr. MCCLURE, Mr. MORTON, Mr. POLLOCK, Mr. REINECKE, Mr. RYAN, Mr. TAYLOR, Mr. TUNNEY, Mr. UDALL, and Mr. WHITE) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To provide for a national scenic rivers system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "National Scenic Rivers Act of 1968".

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-

1 flowing condition, and that they and their immediate en-
2 vironments shall be protected for the benefit and enjoyment
3 of present and future generations.

4 (c) The purpose of this Act is to implement this policy
5 by instituting a national scenic rivers system, by designating
6 the initial components of that system, and by prescribing the
7 methods by which and standards according to which addi-
8 tional components may be added to the system from time to
9 time.

10 SEC. 2. (a) The national scenic rivers system shall
11 comprise rivers (i) that are authorized for inclusion therein
12 by Act of Congress, or (ii) that are designated as scenic
13 rivers by or pursuant to an act of the legislature of the State
14 or States through which they flow, that are to be permanently
15 administered as scenic rivers by an agency or political sub-
16 division of the State or States concerned without expense to
17 the United States, that are found by the Secretary of the
18 Interior, upon application of the Governor of the State or the
19 governors of the States concerned, or a person or persons
20 thereunto duly appointed by him or them, to meet the criteria
21 established in this Act and such criteria supplementary
22 thereto as he may prescribe, and that are approved by him
23 for inclusion in the system, including, upon application of the
24 Governor of the State concerned, the Allagash Wilderness

1 Waterway, Maine, and that segment of the Wolf River,
2 Wisconsin, which flows through Langlade County.
3 (b) A scenic river area eligible to be included in the
4 system is a free-flowing stream and the related adjacent land
5 area that possesses one or more of the values referred to in
6 section 1, subsection (b) of this Act. Every scenic river in
7 its free-flowing condition, or upon restoration to this condi-
8 tion, shall be considered eligible for inclusion in the national
9 scenic rivers system, and if included, shall be classified, desig-
10 nated, and administered as one of the following:
11 (1) Class I scenic river areas—Those rivers or
12 sections of rivers that are free of impoundments and
13 inaccessible except by trail, with watersheds or shore-
14 lines essentially primitive and waters unpolluted. These
15 represent vestiges of primitive America.
16 (2) Class II scenic river areas—Those rivers or
17 sections of rivers free of impoundments, with shorelines
18 or watersheds still largely primitive and shorelines
19 largely undeveloped, but accessible in places by roads.
20 (3) Class III scenic river areas—Those rivers or
21 sections of rivers which are readily accessible by road
22 or railroad, which may have some development along
23 their shorelines, and which may have undergone some
24 impoundment or diversion in the past.

1 SEC. 3. (a) The following rivers and the land adjacent
2 thereto are hereby designated as components of the national
3 scenic rivers system:

4 (1) CLEARWATER, MIDDLE FORK, IDAHO.—The
5 Middle Fork from the town of Kooskia upstream to the
6 town of Lowell; the Lochsa River from its junction with
7 the Selway at Lowell forming the Middle Fork, up-
8 stream to the Powell Ranger Station; and the Selway
9 River from Lowell upstream to its origin; to be admin-
10 istered by the Secretary of Agriculture.

11 (2) RIO GRANDE, NEW MEXICO.—The segment
12 extending from the Colorado State line downstream to
13 the State Highway 96 crossing, and the lower four miles
14 of the Red River; to be administered by the Secretary of
15 the Interior.

16 (3) ROGUE, OREGON.—The segment of the river
17 extending from the mouth of the Applegate River down-
18 stream to the Lobster Creek Bridge; to be administered
19 by agencies of the Departments of the Interior or Agri-
20 culture as agreed upon by the Secretaries of said De-
21 partments or as directed by the President.

22 (4) SAINT CROIX, MINNESOTA AND WISCON-
23 SIN.—The segment between the dam near Taylors Falls,
24 Minnesota, and the dam near Gordon, Wisconsin, and its
25 tributary, the Namekagon, from Lake Namekagon down-

1 stream to its confluence with the Saint Croix; to be ad-
2 ministered by the Secretary of the Interior: *Provided,*
3 That except as may be required in connection with items
4 (a) and (b) of this paragraph, no funds available to
5 carry out the provisions of this Act may be expended
6 for the acquisition or development of lands in connection
7 with, or for administration under this Act of, that portion
8 of the Saint Croix River between the dam near Taylors
9 Falls, Minnesota, and the upstream end of Big Island
10 in Wisconsin, until sixty days after the date on which the
11 Secretary has transmitted to the President of the Senate
12 and Speaker of the House of Representatives a proposed
13 cooperative agreement between the Northern States
14 Power Company and the United States (a) whereby
15 the company agrees to convey to the United States,
16 without charge, appropriate interests in certain of its
17 lands between the dam near Taylors Falls, Minnesota,
18 and the upstream end of Big Island in Wisconsin, includ-
19 ing the company's right, title, and interest to approxi-
20 mately one hundred acres per mile, and (b) providing
21 for the use and development of other lands and interests
22 in land retained by the company between said points ad-
23 jacent to the river, in a manner which shall complement
24 and not be inconsistent with the purposes for which the
25 lands and interests in land donated by the company are

1 administered under this Act. Said agreement may also
2 include provision for State or local governmental partici-
3 pation as authorized under subsection (e) of section 10
4 of this Act.

5 (5) SALMON, MIDDLE FORK, IDAHO.—From its
6 origin to its confluence with the main Salmon River; to
7 be administered by the Secretary of Agriculture.

8 (6) WOLF, WISCONSIN.—From the Langlade-
9 Menominee County line downstream to Keshena Falls;
10 to be administered by the Secretary of the Interior.

11 (b) The agency charged with the administration of each
12 component of the national scenic rivers system designated
13 by subsection (a) of this section shall, within one year from
14 the date of this Act, establish detailed boundaries therefor
15 (which boundaries shall include an average of not more
16 than three hundred and twenty acres per mile on both sides
17 of the river); determine which of the classes outlined in sec-
18 tion 2, subsection (b), of this Act best fit the river or its
19 various segments; and prepare a plan for necessary develop-
20 ments in connection with its administration in accordance
21 with such classification. Said boundaries, classification, and
22 development plans shall be published in the Federal Register
23 and shall not become effective until ninety days after they
24 have been forwarded to the President of the Senate and the
25 Speaker of the House of Representatives.

1 SEC. 4. (a) The Secretary of the Interior or, where
2 national forest lands are involved, the Secretary of Agricul-
3 ture or, in appropriate cases, the two Secretaries jointly
4 shall study and from time to time submit to the President
5 and the Congress proposals for the addition to the national
6 scenic rivers system of rivers which are designated herein or
7 hereafter by the Congress as potential additions to such sys-
8 tem; which, in his or their judgment, fall within one or more
9 of the classes set out in section 2, subsection (b), of this Act;
10 and which are proposed to be administered, wholly or
11 partially, by an agency of the United States. Every such
12 study and plan shall be coordinated with any water resources
13 planning involving the same river which is being conducted
14 pursuant to the Water Resources Planning Act (79 Stat.
15 244; 42 U.S.C. 1962 et seq.).

16 Each proposal shall be accompanied by a report, includ-
17 ing maps and illustrations, showing among other things the
18 area included within the proposal: the characteristics which
19 make the area a worthy addition to the system: the current
20 status of landownership and use in the area; the reasonably
21 foreseeable potential uses of the land and water which would
22 be enhanced, foreclosed, or curtailed if the area were included
23 in the national scenic rivers system; the Federal agency
24 (which in the case of a river which is wholly or substantially
25 within a national forest, shall be the Department of Agri-

1 culture) by which it is proposed the area be administered;
2 the extent to which it is proposed that administration, includ-
3 ing the costs thereof, be shared by State and local agencies;
4 and the estimated cost to the United States of acquiring
5 necessary lands and interests in land and of administering
6 the area as a component of the system. Each such report shall
7 be printed as a Senate or House document.

8 (b) Before submitting any such report to the President
9 and the Congress, copies of the proposed report shall, unless it
10 was prepared jointly by the Secretary of the Interior and the
11 Secretary of Agriculture, be submitted by the Secretary of the
12 Interior to the Secretary of Agriculture or by the Secretary of
13 Agriculture to the Secretary of the Interior, as the case may
14 be, and to the Secretary of the Army, the Chairman of the
15 Federal Power Commission, the head of any other affected
16 Federal department or agency and, unless the lands proposed
17 to be included in the area are already owned by the United
18 States or have already been authorized for acquisition by Act
19 of Congress, the Governor of the State or States in which they
20 are located or an officer designated by the Governor to receive
21 the same. Any recommendations or comments on the pro-
22 posal which the said officials furnish the Secretary or Secre-
23 taries who prepared the report within ninety days of the date
24 on which the report is submitted to them, together with the
25 Secretary's or Secretaries' comments thereon, shall be

1 included with the transmittal to the President and the
2 Congress.
3 (c) Before approving or disapproving for inclusion in
4 the national scenic rivers system any river designated as a
5 scenic river by or pursuant to an act of a State legislature,
6 the Secretary of the Interior shall submit the proposal to the
7 Secretary of Agriculture, the Secretary of the Army, the
8 Chairman of the Federal Power Commission, and the head
9 of any other affected Federal department or agency and
10 shall evaluate and give due weight to any recommendations
11 or comments which the said officials furnish him within
12 ninety days of the date on which it is submitted to them.
13 If he approves the proposed inclusion, he shall publish
14 notice thereof in the Federal Register.
15 SEC. 5. (a) The following rivers are hereby designated
16 for potential addition to the national scenic rivers system:
17 (1) Bruneau, Idaho: The entire main stem.
18 (2) Buffalo, Tennessee: The entire river.
19 (3) Chattooga, North Carolina, South Carolina, and
20 Georgia: The entire river.
21 (4) Clarion, Pennsylvania: The segment between
22 Ridgway and its confluence with the Allegheny River.
23 (5) Cumberland, Tennessee: The entire Big South Fork
24 and its tributary, the Clear Fork;

1 (6) Delaware, Pennsylvania and New York: The seg-
2 ment from Hancock, New York, to Matamoras, Pennsyl-
3 vania.
4 (7) Eleven Point, Missouri: The segment in the State
5 of Missouri.
6 (8) Feather, California: The entire Middle Fork.
7 (9) Flathead, Montana: The North Fork from the
8 Canadian border downstream to its confluence with the
9 Middle Fork; the Middle Fork from its headwaters to its
10 confluence with the South Fork; and the South Fork from
11 its origin to Hungry Horse Reservoir.
12 (10) Gasconade, Missouri: The entire river.
13 (11) Illinois, Oregon: The entire river.
14 (12) Little Miami, Ohio: The entire river.
15 (13) Missouri, Montana: The segment between Fort
16 Benton and Ryan Island.
17 (14) Moyie, Idaho: The segment from the Canadian
18 border to its confluence with the Kootenai River.
19 (15) Niobrara, Nebraska: The main stem segment from
20 the confluence of Antelope creek to the headwaters of the
21 proposed Norden Reservoir east of the town of Valentine,
22 and the lower eight miles of its tributary, the Snake River.
23 (16) Obed, Tennessee: The entire river and its tribu-
24 taries, Clear Creek and Daddys Creek.
25 (17) Penobscot, Maine: Its east and west branches.

1 (18) Pere Marquette, Michigan: The entire river.

2 (19) Pine Creek, Pennsylvania: The segment from
3 Ansonia to Waterville.

4 (20) Priest, Idaho: The entire main stem.

5 (21) Rio Grande, Texas: The portion of the river be-
6 tween the west boundary of Hudspeth County and the east
7 boundary of Terrell County on the United States side of the
8 river: *Provided*, That before undertaking any study of this
9 potential scenic river, the Secretary of the Interior shall de-
10 termine, through the channels of appropriate executive agen-
11 cies, that Mexico has no objection to its being included
12 among the studies authorized by this Act.

13 (22) Saint Croix, Minnesota and Wisconsin: The seg-
14 ment between the dam near Taylors Falls and its confluence
15 with the Mississippi River.

16 (23) Saint Joe, Idaho: The entire main stem.

17 (24) Salmon, Idaho: The segment from the town of
18 North Fork to its confluence with the Snake River.

19 (25) Skagit, Washington: The segment from the town
20 of Mount Vernon to and including the mouth of Bacon Creek;
21 the Cascade River between its mouth and the junction of
22 its North and South Forks; the South Fork to the boundary
23 of the Glacier Peak Wilderness Area; the Suiattle River from
24 its mouth to the Glacier Peak Wilderness Area boundary at

1 Milk Creek; the Sauk River from its mouth to its junction
2 with Elliott Creek; the North Fork of the Sauk River from
3 its junction with the South Fork of the Sauk to the Glacier
4 Peak Wilderness Area boundary.

5 (26) Susquehanna, New York and Pennsylvania: The
6 segment between a dam at Cooperstown, New York, and the
7 town of Pittston, Pennsylvania, and the segment of the
8 West Branch Susquehanna between Clearfield and Lock
9 Haven, Pennsylvania.

10 (27) Suwannee, Georgia and Florida: The entire river
11 from its source in the Okefenokee Swamp in Georgia to the
12 gulf and the outlying Ichetucknee Springs, Florida.

13 (28) Upper Iowa, Iowa: The entire river.

14 (b) The Secretary of the Interior and, where national
15 forest lands are involved, the Secretary of Agriculture shall
16 proceed as expeditiously as possible to study each of the rivers
17 named in subsection (a) of this section in order to deter-
18 mine whether it should be included in the national scenic
19 rivers system. Such studies shall be completed and reports
20 made thereon to the President and the Congress, as provided
21 in section 4 of this Act, within fifteen years from the date
22 of this Act. In conducting these studies the Secretary of the
23 Interior and the Secretary of Agriculture shall give priority
24 to those rivers with respect to which there is the greatest
25 likelihood of developments which, if undertaken, would render

1 them unsuitable for inclusion in the national scenic rivers
2 system.

3 (c) The study of any of said rivers shall be pursued in
4 as close cooperation with appropriate agencies of the affected
5 State and its political subdivisions as possible and shall in-
6 clude a determination of the degree to which the State or its
7 political subdivisions might participate in the preservation and
8 administration of the river should it be proposed for inclusion
9 in the national scenic rivers system. No study otherwise re-
10 quired by this section shall be undertaken or pursued in the
11 case of any stream or section of a stream which the Governor
12 of the State in which it is located certifies the State or one of
13 its agencies or political subdivisions is prepared to study for
14 the purpose of determining whether it should be proposed for
15 inclusion in the national scenic rivers system so long as the
16 State or one of its agencies or political subdivisions does in
17 fact pursue said study with diligence. Nothing contained in
18 the preceding sentence, however, shall be taken to forbid the
19 Secretary of the Interior or the Secretary of Agriculture to
20 cooperate with the State, the agency, or the political subdi-
21 vision in undertaking and carrying out the study.

22 (d) In all planning for the use and development of water
23 and related land resources, consideration shall be given by all
24 Federal agencies involved to potential national scenic river

1 areas, and all river basin and project plan reports submitted
2 to the Congress shall consider and discuss any such potentials.
3 The Secretary of the Interior and the Secretary of Agricul-
4 ture shall make specific studies and investigations to deter-
5 mine which additional scenic river areas within the United
6 States shall be evaluated in planning reports by all Federal
7 agencies as potential alternative uses of the water and related
8 land resources involved.

9 SEC. 6. (a) The Secretary of the Interior is authorized
10 to acquire lands and interests in land within the authorized
11 boundaries of any federally administered component of the
12 national scenic rivers system designated in section 3 of this
13 Act or hereafter designated for inclusion in the system by act
14 of Congress. Lands owned by an Indian tribe, by a State, or
15 by a political subdivision of a State may not be acquired
16 without the consent of the appropriate governing body thereof
17 as long as the Indian tribe, State, or political subdivision is
18 following a plan for management and protection of the lands
19 which the Secretary finds protects the land and assures its use
20 for purposes consistent with this Act. Money appropriated for
21 Federal purposes from the land and water conservation fund
22 shall, without prejudice to the use of appropriations from
23 other sources, be available to Federal departments and
24 agencies for the acquisition of property for the purposes of
25 this Act.

1 (b) The Secretary of the Interior is authorized to ac-
2 cept title to non-Federal property within the authorized
3 boundaries of any federally administered component of the
4 national scenic rivers system designed in section 3 of this
5 Act or hereafter designated for inclusion in the system by
6 Act of Congress and, in exchange therefor, convey to the
7 grantor any federally owned property which is under his
8 jurisdiction within the State or States in which the com-
9 ponent lies and which he classifies as suitable for exchange
10 or other disposal. The values of the properties so exchanged
11 either shall be approximately equal or, if they are not ap-
12 proximately equal, shall be equalized by the payment of
13 cash to the grantor or to the Secretary as the circumstances
14 require.

15 (c) The head of any Federal department or agency
16 having administrative jurisdiction over any lands or in-
17 terests in land within the authorized boundaries of any fed-
18 erally administered component of the national scenic rivers
19 system designated in section 3 of this Act or hereafter desig-
20 nated for inclusion in the system by Act of Congress is au-
21 thorized to transfer to the Secretary of the Interior jurisdic-
22 tion over such lands for administration in accordance with
23 the provisions of this Act.

24 (d) The Secretary of the Interior is authorized to ac-
25 cept donations of lands and interests in land, funds, and

1 other property for use in connection with his administration
2 of the national scenic rivers system.
3 (c) Subsections (a), (b), (c), and (d) of this section
4 shall apply with equal force to the Secretary of Agriculture
5 in the case of any component of the national scenic rivers
6 system which is within his administrative jurisdiction. Lands
7 acquired by or transferred to the Secretary of Agriculture
8 for the purposes of this Act within or adjacent to a national
9 forest shall upon such acquisition or transfer become national
10 forest lands.
11 SEC. 7. (a) The Federal Power Commission shall not
12 license the construction of any dam, water conduit, reservoir,
13 powerhouse, transmission line, or other project works under
14 the Federal Power Act (41 Stat. 1063), as amended (16
15 U.S.C. 791a et seq.), on or directly affecting any river
16 which is designated in section 3 of this Act as a component
17 of the national scenic rivers system or which is hereafter
18 designated for inclusion in that system, and no department
19 or agency of the United States shall assist by loan, grant,
20 license, or otherwise in the construction of any water re-
21 sources project that would have a direct and adverse effect on
22 the values for which such river was established, as deter-
23 mined by the Secretary charged with it administration.
24 Nothing contained in the foregoing sentence, however, shall
25 preclude licensing of, or assistance to, developments below

1 or above a scenic river area or on any stream tributary there-
2 to which will not invade the area or diminish the scenic,
3 recreational, and fish and wildlife values present in the scenic
4 river area on the date of approval of this Act. No department
5 or agency of the United States shall recommend authorization
6 of any water resources project that would have a direct and
7 adverse effect on the values for which such river was estab-
8 lished, as determined by the Secretary charged with its ad-
9 ministration, or request appropriations to begin construction
10 of any such project, whether heretofore or hereafter author-
11 ized, without advising the Secretary of the Interior or the
12 Secretary of Agriculture, as the case may be, in writing of its
13 intention so to do at least sixty days in advance, and without
14 specifically reporting to the Congress in writing at the time it
15 makes its recommendation or request in what respect con-
16 struction of such project would be in conflict with the pur-
17 poses of this Act and would affect the component and the
18 values to be protected by it under this Act.
19 (b) The Federal Power Commission shall not license
20 the construction of any dam, water conduit, reservoir, power-
21 house, transmission line, or other project works under the
22 Federal Power Act, as amended, on or directly affecting
23 any river which is listed in section 5, subsection (a), of
24 this Act, and no department or agency of the United States

1 shall assist by loan, grant, license, or otherwise in the con-
2 struction of any water resources project that would have a
3 direct and adverse effect on the values for which such river
4 might be designated, as determined by the Secretary respon-
5 sible for its study or approval—

6 (i) during the five-year period following enact-
7 ment of this Act unless, prior to the expiration of said
8 period, the Secretary of the Interior and, where national
9 forest lands are involved, the Secretary of Agriculture,
10 on the basis of study, conclude that such river should not
11 be included in the national scenic rivers system and pub-
12 lish notice to that effect in the Federal Register, and

13 (ii) during such additional period thereafter as, in
14 the case of any river which is recommended to the Presi-
15 dent and the Congress for inclusion in the national scenic
16 rivers system, is necessary for congressional consideration
17 thereof or, in the case of any river recommended to the
18 Secretary of the Interior for inclusion in the national
19 scenic rivers system under section 2 (a) (ii) of this Act,
20 is necessary for the Secretary's consideration thereof,
21 which additional period, however, shall not exceed three
22 years in the first case and one year in the second. Noth-
23 ing contained in the foregoing sentence, however, shall
24 preclude licensing of, or assistance to, developments
25 below or above a potential scenic river area or on any

1 stream tributary thereto which will not invade the area
2 or diminish the scenic, recreational, and fish and wildlife
3 values present in the potential scenic river area on the
4 date of approval of this Act.
5 No department or agency of the United States shall, during
6 the periods hereinbefore specified, recommend authorization
7 of any water resources project on any such river or request
8 appropriations to begin construction of any such project,
9 whether heretofore or hereafter authorized, without advising
10 the Secretary of the Interior and, where national forest lands
11 are involved, the Secretary of Agriculture in writing of its
12 intention so to do at least sixty days in advance of doing
13 so and without specifically reporting to the Congress in
14 writing at the time it makes its recommendation or request
15 in what respect construction of such project would be in
16 conflict with the purposes of this Act and would affect the
17 component and the values to be protected by it under this
18 Act.
19 (c) The Federal Power Commission and all other Fed-
20 eral agencies shall, promptly upon enactment of this Act,
21 inform the Secretary of the Interior and, where national
22 forest lands are involved, the Secretary of Agriculture, of any
23 proceedings, studies, or other activities within their jurisdic-
24 tion which are now in progress and which affect or may affect
25 any of the rivers specified in section 5, subsection (a), of this

1 Act. They shall likewise inform him of any such proceedings,
2 studies, or other activities which are hereafter commenced or
3 resumed before they are commenced or resumed.

4 (d) Nothing in this section with respect to the making
5 of a loan or grant shall apply to grants made under the Land
6 and Water Conservation Fund Act of 1965 (78 Stat. 897;
7 16 U.S.C. 460l–5 et seq.).

8 SEC. 8. (a) All public lands within the authorized
9 boundaries of any component of the national scenic rivers
10 system which is designated in section 3 of this Act or which
11 is hereafter designated for inclusion in that system are hereby
12 withdrawn from entry, sale, or other disposition under the
13 public land laws of the United States.

14 (b) All public lands which constitute the bed or bank,
15 or are within one-quarter mile of the bank, of any river
16 which is listed in section 5, subsection (a), of this Act are
17 hereby withdrawn from entry, sale, or other disposition
18 under the public land laws of the United States for the pe-
19 riods specified in section 7, subsection (b), of this Act.

20 SEC. 9. (a) Nothing in this Act shall affect the applica-
21 bility of the United States mining and mineral leasing laws
22 within components of the national scenic rivers system except
23 that—

24 (i) all prospecting, mining operations, and other
25 activities on mining claims which, in the case of a com-

1 ponent of the system designated in section 3 of this
2 Act, have not heretofore been perfected or which, in
3 the case of a component hereafter designated pursuant to
4 this Act or any other Act of Congress, are not perfected
5 before its inclusion in the system and all mining opera-
6 tions and other activities under a mineral lease, license,
7 or permit issued or renewed after inclusion of a com-
8 ponent in the system shall be subject to such regulations
9 as the Secretary of the Interior or, in the case of national
10 forest lands, the Secretary of Agriculture may prescribe
11 to effectuate the purposes of this Act;
12 (ii) subject to valid existing rights, the perfection
13 of, or issuance of a patent to, any mining claim affecting
14 lands within the system shall confer or convey a right or
15 title only to the mineral deposits and such rights only to
16 the use of the surface and the surface resources as are
17 reasonably required to carrying on prospecting or mining
18 operations and are consistent with such regulations as
19 may be prescribed by the Secretary of the Interior or, in
20 the case of national forest lands, by the Secretary of
21 Agriculture; and
22 (iii) subject to valid existing rights, the minerals
23 in Federal lands which are part of the system and con-
24 stitute the bed or bank or are situated within one-
25 quarter mile of the bank of any river designated a class

1 I scenic river under this Act or any subsequent Act are
2 hereby withdrawn from all forms of appropriations under
3 the mining laws and from operation of the mineral leas-
4 ing laws including, in both cases, amendments thereto.
5 Regulations issued pursuant to paragraphs (i) and (ii) of
6 this subsection shall, among other things, provide safeguards
7 against pollution of the river involved and unnecessary im-
8 pairment of the scenery within the component in question.
9 (b) The minerals in any Federal lands which constitute
10 the bed or bank or are situated within one-quarter mile of
11 the bank of any river which is listed in section 5, subsection
12 (a) of this Act are hereby withdrawn from all forms of ap-
13 propriation under the mining laws during the periods speci-
14 fied in section 7, subsection (b) of this Act. Nothing con-
15 tained in this subsection shall be construed to forbid prospect-
16 ing or the issuance of leases, licenses, and permits under the
17 mineral leasing laws subject to such conditions as the Secre-
18 tary of the Interior and, in the case of national forest lands,
19 the Secretary of Agriculture find appropriate to safeguard
20 the area in the event it is subsequently included within the
21 system.
22 SEC. 10. (a) Each component of the national scenic
23 rivers system shall be administered in such manner as to pro-
24 tect and enhance the values which caused it to be included in
25 said system without, insofar as is consistent therewith, limit-

1 ing other uses that do not substantially interfere with public
2 use and enjoyment of these values. In such administration
3 primary emphasis shall be given to protecting its esthetic,
4 scenic, historic, archeologic, and scientific features. Manage-
5 ment plans for any such component may establish varying
6 degrees of intensity for its protection and development, based
7 on the special attributes of the area.

8 (b) Any portion of a component of the national scenic
9 rivers system that is within the national wilderness preserva-
10 tion system, as established by or pursuant to the Act of Sep-
11 tember 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall
12 be subject to the provisions of both the Wilderness Act and
13 this Act with respect to preservation of such river and its
14 immediate environment, and in case of conflict between the
15 provisions of these Acts the more restrictive provisions shall
16 apply.

17 (c) Any component of the national scenic rivers system
18 that is administered by the Secretary of the Interior through
19 the National Park Service shall become a part of the national
20 park system, and any such component that is administered
21 by the Secretary through the Fish and Wildlife Service shall
22 become a part of the national wildlife refuge system. The
23 lands involved shall be subject to the provisions of this Act
24 and the Acts under which the national park system or na-
25 tional wildlife system, as the case may be, is administered,

1 and in case of conflict between the provisions of these Acts,
2 the more restrictive provisions shall apply. The Secretary
3 of the Interior, in his administration of any component of
4 the national scenic rivers system, may utilize such general
5 statutory authorities relating to areas of the national park
6 system and such general statutory authorities otherwise avail-
7 able to him for recreation and preservation purposes and for
8 the conservation and management of natural resources as he
9 deems appropriate to carry out the purposes of this Act.

10 (d) The Secretary of Agriculture, in his administration
11 of any component of the national scenic rivers system area,
12 may utilize the general statutory authorities relating to the
13 national forests in such manner as he deems appropriate to
14 carry out the purposes of this Act.

15 (e) The Federal agency charged with the administra-
16 tion of any component of the national scenic rivers system
17 may enter into written cooperative agreements with the Gov-
18 ernor of a State, the head of any State agency, or the appro-
19 priate official of a political subdivision of a State for State or
20 local governmental participation in the administration of the
21 component. The States and their political subdivisions shall
22 be encouraged to cooperate in the planning and administra-
23 tion of components of the system which include or adjoin
24 State- or county-owned lands.

25 SEC. 11. (a) The Secretary of the Interior shall en-

1 courage and assist the States to consider, in formulating and
2 carrying out their comprehensive statewide outdoor recrea-
3 tion plans and proposals for financing assistance for State and
4 local projects submitted pursuant to the Land and Water
5 Conservation Fund Act of 1965 (78 Stat. 897), needs and
6 opportunities for establishing State and local scenic river
7 areas. He shall also in accordance with the authority con-
8 tained in the Act of May 28, 1963 (77 Stat. 49), provide
9 technical assistance and advice to, and cooperate with, States,
10 political subdivisions, and private interests, including non-
11 profit organizations, with respect to establishing such scenic
12 river areas.

13 (b) The Secretaries of Agriculture and of Health, Edu-
14 cation, and Welfare shall likewise, in accordance with the
15 authority vested in them, assist, advise, and cooperate with
16 State and local agencies and private interests with respect
17 to establishing such scenic river areas.

18 SEC. 12. (a) The Secretary of the Interior, the Secre-
19 tary of Agriculture, and heads of other Federal agencies
20 shall review administrative and management policies, regu-
21 lations, contracts, and plans affecting lands under their re-
22 spective jurisdictions which include, border upon, or are
23 adjacent to the rivers listed in subsection (a) of section 5
24 of this Act in order to determine what actions should be
25 taken to protect such rivers during the period they are being

1 considered for potential addition to the national scenic rivers
2 system. Particular attention shall be given to scheduled tim-
3 ber harvesting, road construction, and similar activities which
4 might be contrary to the purposes of this Act.

5 (b) Nothing in this section shall be construed to abro-
6 gate any existing rights, privileges, or contracts affecting
7 Federal lands held by any private party without the consent
8 of said party.

9 (c) The head of any agency administering a component
10 of the national scenic rivers system shall cooperate with the
11 Secretary of the Interior and with the appropriate State
12 water pollution control agencies for the purpose of eliminat-
13 ing or diminishing the pollution of waters of the river.

14 SEC. 13. (a) Nothing in this Act shall affect the juris-
15 diction or responsibilities of the States with respect to fish
16 and wildlife. Hunting and fishing shall be permitted on lands
17 and waters administered as parts of the system under ap-
18 plicable State and Federal laws and regulations unless, in
19 the case of hunting, those lands or waters are within a na-
20 tional park or monument. The administering Secretary may,
21 however, designate zones where, and establish periods when,
22 no hunting is permitted for reasons of public safety and shall
23 issue appropriate regulations on public safety after con-
24 sultation with the wildlife agency of the State or States
25 affected.

1 (b) Nothing in this Act shall constitute an express or
2 implied claim or denial on the part of the United States
3 with respect to the applicability to it of, or to its exemption
4 from, State water laws, and nothing in this Act shall be con-
5 strued to alter, amend, or repeal any interstate water compact
6 which has heretofore been entered into by States which con-
7 tain any portion of the national scenic rivers system and to
8 which the consent or approval of the Congress has been
9 given.

10 (c) A State shall have such rights as may be necessary
11 to assure adequate access by such State to the beds of navi-
12 gable rivers which are vested in the State, in case such beds
13 are located in a national scenic river: *Provided*, That no
14 river, the bed of which is vested in a State, shall be included
15 in the national scenic rivers system pursuant to section 2,
16 subsection (a) (ii), of this Act without certification by the
17 State that it will not permit mining or similar disruption
18 of its bed.

19 (d) The Secretary of the Interior or the Secretary of
20 Agriculture, as the case may be, may grant easements and
21 rights-of-way upon, over, under, across, or through any com-
22 ponent of the national scenic rivers system in accordance
23 with the laws applicable to the national park system and the
24 national forest system, respectively: *Provided*, That any
25 conditions precedent to granting such easements and rights-

1 of-way shall be related to the policy and purpose of this
2 Act and shall not be based upon the Department of the In-
3 terior or Department of Agriculture regulations relating to
4 granting rights-of-way for power transmission lines issued
5 March 23, 1963 (28 F.R. 2903, 2905; 43 C.F.R. 2234.4,
6 36 C.F.R. 251.52).

7 SEC. 14. The claim and allowance of the value of a
8 conservation easement as a charitable contribution under
9 section 170 of title 26, United States Code, or as a gift
10 under section 2522 of said title shall constitute an agree-
11 ment by the donor on behalf of himself, his heirs, and assigns
12 that, if the terms of the instrument creating the easement
13 are violated, the donee or the United States may acquire
14 the servient estate at its fair market value as of the time
15 the easement was donated minus the value of the easement
16 claimed and allowed as a charitable contribution or gift.

17 SEC. 15. As used in this Act, the term—

18 (a) "River" means a flowing body of water or estuary
19 or a section, portion, or tributary thereof, including rivers,
20 streams, creeks, runs, kills, rills, small lakes, and, as provided
21 in this Act, manmade waterways.

22 (b) "Free-flowing", as applied to any river or section
23 of a river, means existing or flowing in natural condition
24 without impoundment, diversion, straightening, rip-rapping,
25 or other modification of the waterway. The existence, how-

1 ever, of low dams, diversion works, and other minor struc-
2 tures at the time any river is proposed for inclusion in the
3 national scenic rivers system shall not automatically bar its
4 consideration for such inclusion: *Provided*, That this shall
5 not be construed to authorize, intend, or encourage future
6 construction of such structures within components of the
7 national scenic rivers system.

8 (c) "Conservation easement" means a perpetual interest
9 in land, however created or expressed, which interest (i) is
10 held by or for the benefit of the United States or the people
11 of the United States, a State or the people of a State, or
12 another public body or the people of such body, (ii) is spe-
13 cifically enforcible by its holder or beneficiaries, and (iii)
14 limits or obligates the holder of the servient estate, his heirs,
15 and assigns with respect to their use and management of the
16 land and activities conducted thereon, the disturbance or
17 modification of the surface or subsurface thereof, the structures
18 placed or maintained thereon, or the growth, planting,
19 removal, destruction, or damaging of vegetation thereon, or
20 in other respects in connection therewith, all as more spe-
21 cifically spelled out in the document by which such interest in
22 land is created, the object of such limitations and obligations
23 being the maintenance or enhancement of the natural beauty
24 of the land in question or of areas affected by it and of flora,
25 fauna, and archeological or historic remains on it or them

1 and the preservation of the values thereof for scientific study
2 and for public enjoyment by present and future generations.
3 SEC. 16. There are hereby authorized to be appropriated
4 such sums as may be necessary, but not more than $17,-
5 340,000, for the acquisition of lands and interests in land
6 under the provisions of this Act.

90TH CONGRESS
2D SESSION

H. R. 18260

A BILL

To provide for a national scenic rivers system, and for other purposes.

By Mr. SAYLOR, Mr. ASPINALL, Mr. BURTON of California, Mr. BURTON of Utah, Mr. EDMONDSON, Mr. FOLEY, Mr. HANSEN of Idaho, Mr. HOSMER, Mr. JOHNSON of California, Mr. KASTENMEIER, Mr. KAZEN, Mr. KEE, Mr. KUPFERMAN, Mr. KYL, Mr. MCCLURE, Mr. MORTON, Mr. POLLOCK, Mr. REINECKE, Mr. RYAN, Mr. TAYLOR, Mr. TUNNEY, Mr. UDALL, and Mr. WHITE

JULY 1, 1968

Referred to the Committee on Interior and Insular Affairs

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
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Issued July 5, 1968
For actions of July 3, 1968
90th-2nd; No. 115

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SENATE

1. DAIRY. The Agriculture and Forestry Committee voted to report (but did not actually report) S. 3638, to extend the authority for indemnity payments to dairy farmers who are directed to remove their milk from markets because it contains certain chemical residues. p. D637

2. GRAINS. The Agriculture and Forestry Committee voted to report (but did not actually report) H.R. 15794, to amend the laws relating to the inspection and grading of grain. p. D638

3. LOANS. The Agriculture and Forestry Committee voted to report (but did not actually report) H.R. 15562, to extend the act which authorizes loans by the Secretary of Agriculture on leasehold interests in Hawaii. pp. D637-8

4. RECREATION. Passed as reported H.R. 9098, to revise the boundaries of the Badlands National Monument in S. Dak. The bill provides for transfer to Interior of about 253,000 acres of gunnery range lands declared excess to the needs of the Air Force. pp. S8167-8

5. RECLAMATION. Passed without amendment S. 3575, to authorize the Secretary of the Interior to engage in feasibility investgations of certain water resource developments. p. S8166

6. EMPLOYMENT. Agreed to H. Con. Res. 705, to express the sense of Congress that employment opportunities should be made available to veterans who return from military service in Vietnam and elsewhere. pp. S8165-6

7. WATERSHEDS. The Agriculture and Forestry Committee voted to report (but did not actually report) plans for works of improvement on certain watershed projects. p. D638

8. ADJOURNED until Mon., July 8. p. S8200

HOUSE

9. HIGHWAYS. Passed with amendment S. 3418, the highway authorization bill (pp. H5958-96). Agreed to an amendment by Reps. McCarthy and Cramer "to prevent Federal control over local parks and recreation areas in the future" (pp. H5960-63). Rejected a motion by Rep. Schwengel to recommit the bill (p. H5980). H. R. 17134, a similar bill passed earlier with amendments was tabled.

10. APPROPRIATIONS. Passed with amendments H.R. 18188, the Transportation Department appropriation bill (pp. H5996-6018). Rejected a motion by Rep. Gross to recommit the bill (p. H6018).

11. SCENIC RIVERS; REDWOOD NATIONAL PARK; TRAILS. The Interior and Insular Affairs Committee reported without amendment H.R. 18260, to provide for a national scenic rivers system (H. Rept. 1623); with amendment S. 2515, to authorize the establishment of Redwood National Park (H. Rept. 1630); and with amendment H.R. 4865, to establish a nationwide system of trails (H. Rept 1631). p. H6047

12. WILDLIFE; TECHNICAL SERVICES. The Rules Committee reported resolutions for the consideration of H.R. 11618, to prevent the importation of endangered species of fish or wildlife into the United States, to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and H.R. 16824, to extend for an additional year the authorization of appropriations under the State Technical Services Act of 1965. p. H6047

90th Congress, 2d Session } HOUSE OF REPRESENTATIVES { Report No. 1623

PROVIDING FOR A NATIONAL SCENIC RIVERS SYSTEM, AND FOR OTHER PURPOSES

July 3, 1968.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Taylor, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

together with

SEPARATE VIEWS

[To accompany H.R. 18260]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 18260) to provide for a national scenic rivers system, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE AND BACKGROUND

The purpose of this bill, H.R. 18260, is to initiate a national scenic rivers system, to name the first components of that system, and to prescribe the standards on the basis of which future additions to the system will be made and the methods by which this will be done. H.R. 18260 was introduced by Congressman Saylor for himself and Congressmen Aspinall, Burton of California, Burton of Utah, Edmondson, Foley, Hansen of Idaho, Hosmer, Johnson of California, Kastenmeier, Kazen, Kee, Kupferman, Kyl, McClure, Morton, Pollock, Reinecke, Ryan, Taylor, Tunney, Udall, and White.

H.R. 18260 is the culmination of a number of years of thought and study. It was introduced following committee consideration of 16 other wild and scenic river bills that were pending before it [1] and

[1] H.R. 90 (Saylor), H.R. 493 (Dingell), H.R. 3996 and H.R. 6166 (Reuss), H.R. 6588 (Anderson of Tennessee), H.R. 8416 (Aspinall), H.R. 15429 (Fulton of Tennessee) and H.R. 15690 (Fraser). In addition to these general bills, there were a number of others dealing with individual rivers: H.R. 752 (Karth), H.R. 753 (Kastenmeier), H.R. 3389 (Reuss), H.R. 3983 (O'Konski), H.R. 6289 (Quie), H.R. 6373 (Laird), H.R. 7020 (Hammerschmidt), and H.R. 14180 (Kyl).

incorporates all the amendments to these bills which were agreed upon in committee.

Though H.R. 18260 derives immediatey from the work of the other sponsors of other scenic and wild river bills introduced during the 89th and 90th Congresses, the inception of the idea that special attention should be given to the dwindling number of American streams that are still in a relatively natural state dates back at least as far as 1960. In that year the National Park Service, responding to an inquiry from the Select Committee on National Water Resources of the Senate, pointed out that——

> * * * particularly in areas of dense population and in arid regions, clear, natural running water is now a rarity and under the pressure of anticipated future requirements may become nonexistent. However, there still remain in various sections of the country natural free-flowing streams whose integrity might be preserved in the face of the water-control onslaught if conscientious planning to this end were applied.

On this basis, the National Park Service recommended "That certain streams be preserved in their free-flowing condition because their natural scenic, scientific, esthetic and recreational values outweigh their value for water development and control purposes * * *" and that a study be made to determine what streams in addition to the four listed in the report—the Allagash, the Current, the Eleven Point, and the Rogue—possessed such values as these. [2]

These recommendations were reinforced by the Outdoor Recreation Resources Review Commission—a body created by the 85th Congress and composed of four Members of the House, four from the Senate, and seven appointed by the President—when it concluded in its final report dated January 31, 1962, that "Certain rivers should be preserved in their free-flowing condition and natural setting" and that "Recreation should be recognized as a beneficial use of water," [3] and by the President when, in his message to the Congress on natural beauty, he stated a similar conclusion.[4]

Partial responses to these recommendations came with the enactment of Public Law 88–492 which provided for the creation of the Ozark National Scenic Riverways, Mo.; the designation of the Allagash in Maine as a "wilderness waterway" by the State legislature; the action of the State of Wisconsin, with the help of the land and water conservation fund, in acquiring land along part of the Wolf River and setting it aside for permanent preservation; and the enactment of Public Law 89–605 and Public Law 89–616 which called for studies of the potential of the Hudson and Connecticut Rivers. In a very real and important sense, all of these actions may be considered to be forerunners of the present bill, and the present bill, if enacted, may be considered a complement to numerous other actions which the Congress has taken with respect to other aspects and values of the Nation's system of inland waters.

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[2] *Water Recreation Needs in the United States 1960–2000* (Committee Print No. 17; 1960), p. 2.
[3] *Outdoor Recreation for America*, pp. 177f.
[4] H. Doc. No. 78, 89th Congress, p. 6 (Feb. 9, 1965).

FEDERAL CONCERN WITH RIVERS

The Federal Government has programs—some of them old, others of comparatively recent origin—respecting virtually every aspect of the Nation's rivers except the one that will be of prime importance under the present bill, if it is enacted. Federal attention to rivers as arteries of commerce and means of transportation dates back almost to the beginning of the Republic. Their development under Federal auspices as sources of water for irrigation and as a means of generating power began in the early years of this century. The act of March 10, 1934, marked Federal concern with the fish and wildlife aspects of rivers and impoundments on them. The Flood Control Act of 1936 recognized the important role the Federal Government can play in reducing the damage they do to those who live and build in their valleys when they go on a rampage. And a broad nationwide program for dealing with the pollution of our waters received statutory sanction beginning in 1948. To date, however, the desirability of preserving some of our rivers simply for the sake of being able to enjoy them in their natural state or for their recreational value has not been noticed in any overall piece of Federal legislation. Enactment of H.R. 18260 will close this gap in the law.

PRINCIPLES OF H.R. 18620

H.R. 18260 rests upon and embodies several simple but basic principles. The first is that, just as the Nation has set aside some of its land areas in national parks, national monuments, national historic sites, and the like, so some of its streams which have exceptional values of the sorts mentioned above—scenic, recreational, esthetic, and scientific—ought to be preserved for public use and enjoyment.

A second is that, since the task of preserving and administering such streams is not one that can or should be undertaken solely by the Federal Government, the States ought to be encouraged to undertake as much of the job as possible and that such encouragement can be given not only by giving the financial aid for which the Land and Water Conservation Fund Act already provides but also by assuring them that such Federal agencies as the Federal Power Commission and the Corps of Engineers will not upset their plans by taking adverse action without the full knowledge and consent of the Congress.

A third principle embodied in H.R. 18260 is its recognition that different streams need to be protected and preserved for different reasons. Some deserve protection solely for their value as completely natural streams. Others deserve protection because of the recreational opportunities they afford. In some instance these two objectives may be compatible, in others they will be incompatible. It is for this reason that H.R. 18260 provides for classifying the streams included within the system by type and for making plans for their development or lack of development accordingly.

A fourth principle on which H.R. 18260 rests is that, although the area through which a protected stream flows must be subject to a certain degree of control in order to achieve the objectives for which a river is designated a component of the National Scenic River System, the area need not be large and that, in many instances, much of

the necessary control can be achieved through the use of conservation easements—a term which is defined in section 15 of the bill—without acquiring all of the land bordering the stream in fee simple.

A fifth principle is that the list of rivers initially included in the National Scenic Rivers System should be relatively modest. This is not because the committee believes that there are no other streams than those listed in the bill that deserve protection but because (*a*) the necessary studies have not yet been made, (*b*) it is desirable to gain operating experience before embarking on a more extensive list, and (*c*) the cost factor involved in any such system as this cannot be ignored in present circumstances.

A sixth principle on which H.R. 18260 rests is that streams which are not yet authorized for inclusion in the system but that show particular promise should be given special attention for study either by Federal agencies or by the States and that, during a reasonable study period and for a time thereafter, they should be accorded substantially the same sort of protection against Federal agency action as is accorded those which are included in the "instant" category.

THE "INSTANT" RIVERS

H.R. 18260 proposes six rivers or sections of rivers for immediate recognition as components of the National Scenic Rivers System. These are the Rogue in Oregon, the Clearwater and the Middle Fork of the Salmon in Idaho, the Rio Grande in New Mexico, the Wolf in Wisconsin, and the St. Croix in Minnesota and Wisconsin. In addition, H.R. 18260 makes special provision for inclusion of the Allagash in Maine and that part of the Wolf which flows through Menominee County, Wis., as State-administered components of the National Scenic Rivers System if the Governor of the State concerned so requests and if the Secretary of the Interior concludes that they deserve to be included. Brief descriptions of the six initial Federal components of the system follow in the order in which they appear in the bill.

(1) *Clearwater, Idaho* (190 miles, of which 181 are already in public ownership; 60,800 acres in proposed scenic river area; estimated land acquisition cost, $700,000; to be administered by the Secretary of Agriculture).

The scenic river segment of the Clearwater includes the main stem between Lowell and Kooskia and sections of two of its major tributaries, the Selway and Lochsa, all of which rise on the western slopes of the rugged Bitterroot Mountains in north central Idaho.

All of the segments proposed for scenic river status are fast-flowing, with alternating stretches of riffles and pools. Most sections can be traveled by canoe or rubber boat.

The rivers' canyons are steep-walled, with numerous cliffs and rock outcrops. Except for small isolated benches above the high-water line, the river beds normally occupy the entire canyon bottoms.

The varied recreational attractions in the general area include fishing, camping, picnicking, hiking, horseback riding, wilderness travel, boating, and general sightseeing. Chinook salmon have been reintroduced and are expected to provide additional sport fishing. Among the many excellent scenic attractions within the area is Selway Falls, a place of rare beauty.

(a) *Rio Grande, N. Mex.* (50 miles, of which 47 are already in public ownership; 16,000 acres in proposed scenic river area; estimated land acquisition cost, $80,000; to be administered by the Secretary of the Interior).

The segment of the Rio Grande covered by the bill begins at the Colorado-New Mexico line, extends downstream 50 miles to the crossing of State Secondary Route No. 96 and includes the lower 4-mile portion of the Red River.

This section of the Rio Grande begins about 600 miles downstream from the river's source and passes through a deep, steep-walled canyon dissecting the lava flows of a relatively flat basin. The high Sangre de Cristo Mountains lie to the east of the area.

Vegetation consists of scattered Ponderosa pine and cottonwood trees along the river's edge with good stands of piñon pine farther back. Although the area still reflects a wildernesslike character, access to the rim of the Rio Grande Gorge is easily obtained by foot or on horseback.

Within the proposed area, there are superior opportunities for outdoor recreational activity—sightseeing, camping, hiking, horseback riding, and nature study. Both the Rio Grande and the Red Rivers are nationally renowned for their rainbow and brown trout fisheries.

(3) *Rogue, Oreg.* (85 miles, of which 55 are already in public ownership; 27,200 acres in proposed scenic river area; estimated land acquisition cost, $3,900,000; to be administered by Departments of the Interior and Agriculture as agreed upon or as directed by the President).

The section of the Rogue River under consideration for scenic river designation begins at its confluence with the Applegate River and runs 85 miles downstream to Lobster Creek Bridge. The Rogue, which drains the western slopes of the Cascade Range, is a major Pacific coast stream and contains a diversity of recreation and scenic values.

Several stretches of the river remain virtually in a natural state, passing through impressive rock gorges and canyons. The river passage is interrupted by numerous riffles and rapids. In other portions, the river flows through relatively undeveloped lands, marked only by an occasional farm.

The Rogue is a big-fish stream, with salmon catches exceeding 40 pounds and steelhead trout 15 pounds. The stream's outstanding fishing qualities, its many miles of near natural scenic environment, and its exciting whitewater boat trips are principal contributors to the river's fame. Hunting, swimming, hiking, boating, picnicking, camping, and sightseeing also are popular in the area.

(4) *St. Croix, Minn., and Wis.* (185 miles, of which 46 are in public ownership; estimated 57,946 acres in proposed scenic river area; estimated land acquisition cost, $4,800,000; to be administered by the Secretary of the Interior).

The St. Croix scenic river proposal includes the main stem of the river above Taylors Falls plus its Namekagon tributary. For most of its length, the immediate river shores have a near wilderness appearance with a heavy forest cover of relatively mature second growth hardwoods and some conifers. Along the river, the mixed forests interspersed with swamps and farm openings support an abundance of wildlife. White-tailed deer, bear, and moose are present. Upland game

birds include the ruffed grouse, sharptailed grouse, woodcock, and pheasant. Furbearers are common.

Water quality in the river is excellent. Trout, muskellunge, and sturgeon, as well as channel catfish, walleyed pike, and white bass provide a diversity of fishing opportunity.

Fishing, boating, swimming, and sightseeing are the principal recreation activities. Because of the proximity of the river to Minneapolis-St. Paul and Duluth, it is popular with urban dwellers. The near wilderness qualities of the St. Croix-Namekagon and its association with Indian fur trader history provides an additional special appeal.

The committee draws attention to the special proviso attached to the St. Croix authorization, the effect of which is to make conclusion of a suitable cooperative agreement between the Secretary of the Interior and the Northern States Power Co., a condition precedent to the expenditure of appropriated funds for land acquisition on the stretch of the river between Taylors Falls, Minn., and Big Island, Wis. Under this agreement the company will donate about 100 acres per mile to the United States. The agreement will also provide for use and development of company-retained lands in a manner consistent with the uses to which the donated lands are put. The proviso requires the Secretary of the Interior to furnish copies of the proposed agreement to the President of the Senate and the Speaker of the House 60 days before it is executed by him.

(5) *Salmon, Idaho* (105 miles, of which 103 are already in public ownership; 33,600 acres in proposed scenic river area; estimated land acquisition cost, $160,000; to be administered by the Secretary of Agriculture).

The section of the Salmon River included in H.R. 18260 is the river's rugged middle fork. The river provides some of America's best white water.

The middle fork rises in the southeastern mountain ranges of Idaho and has cut an impressive gorge through central Idaho. The stream is fast flowing, falling over a series of rapids with alternate stretches of salt water and pools. Rocky channels overlaid with gravel, boulders, and other rubble, assure good stream stability.

The river contains important spawning grounds of Pacific salmon and provides excellent sport fishing. The major sea-run species are the chinook and sockeye salmon and steelhead trout. Resident trout are also popular with sportsmen. Recreational activities other than fishing include sightseeing, camping, picnicking, boating, and swimming.

(6) *Wolf, Wis.* (24 miles, all of which are in private ownership; estimated 8,000 acres in proposed scenic river area; estimated land acquisition cost, $7,700,000; to be administered by the Secretary of the Interior).

The scenic river segment of the Wolf River includes the 24 miles from the Langlade-Menominee County line to Keshena Falls. A fast-moving, steeply falling stream with numerous waterfalls, it is one of Wisconsin's most scenic and exciting streams.

Forests bordering the stream are primarily mixed northern hardwoods with occasional pine. These forests support a diversity of game animals, including whitetailed deer and bear. Otter, beaver, muskrat, and mink are common near the river.

The major recreation activities along the river are fishing, canoeing, hiking, swimming, and sightseeing. These activities, plus the near wilderness state of the river and its shores, attract visitors from Milwaukee, Madison, and Chicago, all within a 1-day drive of the river.

The owner of all or nearly all of the land to be acquired under this scenic river proposal is Menominee Enterprises, Inc., which is, in effect, a successor in interest to the former Menominee Indian Tribe. Federal supervision over the affairs of this group of Indians has been terminated in accordance with the act of June 17, 1954 (68 Stat. 250) and subsequent legislation. The committee nevertheless retains a strong interest in the welfare of the Menominees. It expects, therefore, that in negotiating for any interest in land along the Wolf River, the Secretary will conduct such negotiations with Menominee Enterprises, Inc., and that the outcome of the negotiation will, before consummation, be approved by a majority of the adult beneficial owners not under guardianship of Menominee Enterprises, Inc.

WHAT DESIGNATION AS A NATIONAL SCENIC RIVER MEANS

Designation of these six rivers as components of the National Scenic Rivers System means three things: (1) It means that they have been studied and appraised by competent experts and have been found to have, in the words of the bill, "outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values." (2) It means that it has been decided that these values make preservation of the rivers themselves and the countryside through which they flow worthwhile and that, to achieve this objective, it has been decided to authorize the acquisition of the lands, or of interests in the lands, bordering on them to a depth averaging a quarter mile on each side. (3) It means furthermore that it has been decided that, in order to achieve the same objective, the licensing of projects under the Federal Power Act on or directly affecting these rivers or river segments should be forbidden, that no Federal water project should be constructed on them without being thoroughly reviewed both in the Departments and in Congress, that no Federal agency should make any loans or grants for or give any other form of assistance to such a project without assurance from the head of the Department administering the scenic river that the project will not have a direct and adverse effect on the river and that, in those cases in which the scenic river flows through public lands, those lands are withdrawn from disposition under the public land laws and that such mineral activities on them as remain permissible must be conducted in accordance with regulations designed to effectuate the purposes of the act. The details of these various items are spelled out in the text of H.R. 18260 and are outlined in the section-by-section analysis of the bill that is a part of this report.

RIVERS TO BE STUDIED

Beginning in 1963 the Secretaries of the Interior and Agriculture, in cooperation with a number of the States, prepared a list of 650 or more rivers which were thought to be worthy of consideration for inclusion in a National Scenic Rivers System. From this list, 89 were

chosen for study. Twenty-two of the 89 were given fairly detailed consideration by the Departments and preliminary reconnaissance studies were made of the remainder.

It is from this list of 89 that, for the most part, the 28 listed in section 5 of H.R. 18260 have been drawn. It is the intent of the committee that detailed study shall be made of these 28 either by the Departments or by the States immediately concerned with them. The bill allows 15 years for this to be done and provides that priority shall be given to studying those that are most threatened by developments which, if they materialize, would render the rivers unsuitable for inclusion in the National Scenic Rivers System. The studies, under the provisions of the bill, are to be reviewed by various Federal and State agencies and forwarded to the Congress for its consideration.

H.R. 18260 gives the rivers in the study category substantially the same protection against developments under Federal license, loan or grant and under Federal construction programs and the like as it does the rivers which are immediately included in the National Scenic Rivers System, but this protection is limited to the 5 years following the date H.R. 18260 is enacted plus such time as Congress may need (not more than 3 years, however) to decide whether to include a river in the National Scenic Rivers System on which a favorable study report has been made.

STATE SCENIC RIVER ACTION

As has already been stated, one of the premises on which H.R. 18260 is built is the belief that the States and their political subdivisions should be encouraged to play a prominent role in the development of the National Scenic Rivers System. It is for this reason that the bill includes provisions allowing the States to name State-administered rivers as candidates for inclusion in the system and authorizing the Secretary of the Interior to include such State-named and State-administered rivers in the system if they meet the standards of the act.

Two such rivers were brought to the attention of the committee and are named in the bill—the Allagash in Maine and part of the Wolf in Wisconsin. It is for this reason, also, that H.R. 18260 directs the Secretaries of the Interior and of Agriculture not to study any river listed in section 5 of the bill if the Governor of the State concerned certifies that a study will be conducted by a State or local public agency and if the study is, in fact, diligently pursued. It is for this reason, in the third place, that H.R. 18260 throws around State-named rivers which are included in the National Scenic Rivers System and around the rivers listed in section 5 which are being studied by a State or local agency the same protection against adverse Federal agency action that it throws around the rivers included in the system by act of Congress or being studied for inclusion in the system by Federal agencies. Finally, it is for the same reason that the bill directs the Secretary of the Interior to encourage the States to include scenic rivers in the plans they formulate under the Land and Water Conservation Fund Act. It is the hope of the committee that, through such means as these, all the States will become active partners in the development of the National Scenic Rivers System.

COST

The estimated cost of acquiring lands and interests in land for the six initial components of the National Scenic Rivers System is $17,340,000, and the bill limits its authorization of appropriations for this purpose to that figure. Development costs, assuming that prices and wages stay where they now are, are estimated at about $7 million for the same rivers, but this figure is subject to revision when the reports called for by section 3(b) of the bill come in. Study of the rivers named in section 5 of the bill will, the committee was advised, probably cost an average of $50,000 apiece.

SECTION-BY-SECTION ANALYSIS

Section 1 states the short title of the act, declares it to be the policy of the Congress to preserve and protect selected rivers of the country that possess "outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values," and states that the purpose of the act is the institution of a national system of rivers having such values.

Section 2 sets out the two methods by which an eligible river may be included in the National Scenic Rivers System. The first is by act of Congress. The second is by or pursuant to an act of the legislature of the State through which it flows. In the latter case, the river must be found by the Secretary of the Interior to meet the criteria of the act and to be worth of being included in the system. The principal criteria referred to are those set out in the policy statement in section 1 of the bill and the standards implicit in the classification system outlined in section 2(b). In addition, the State must agree that the river will be permanently administered as a scenic river without expense to the United States and that, if its bed is owned by the State, it will not be disturbed by mining or any similar disruption.

The Secretary is authorized to prescribe supplementary criteria. Certain other standards set up for a federally administered river—for instance, the maximum acreage that a Federal agency may acquire along a scenic river—are not applicable to State-controlled units of the national scenic rivers system. The provision with respect to administration is phrased in terms of "administered * * * without expense to the United States" in order to avoid any implication that financial assistance to the States through land acquisition grants from the land and water conservation fund or other similar sources will bar inclusion of the river in the system. Grants for this purpose are not grants for administration within the meaning of the bill. Two particular State-administered rivers—the Allagash in Maine and a part of the Wolf in Wisconsin—are named in this subsection as eligible for inclusion if the Governor of the State concerned asks that this be done.

Section 2, subsection (b), lists the three types of rivers in which those that are included in the system will fall for purposes of designation and administration. The first is what, for short, may be called the wild river class—unpolluted free-flowing rivers that are "free of impoundments and inaccessible except by trail" and the surroundings of which are "essentially primitive." The second class includes rivers

which, though their shorelines and watershed are still primitive for the most part, are accessible by road. The third class will be made up of rivers that are readily accessible by road or railroad, that have some development along their shores, and that may even have had some impoundment or diversion works built on them in the past.

Section 3, subsection (a) designates six rivers or parts of rivers for immediate inclusion in the national scenic rivers system. These have been described above. They will be administered by Federal officers. Subsection (b) of this section requires that, within 1 year from the effective date of the act, detailed boundaries for each of these six initial components be fixed, the class or classes into which it falls be determined, and a plan for such development, if any, as is contemplated be prepared. Publication of these boundaries (which may not include more than an average of 320 acres per river mile), classifications, and development plans in the Federal Register is required, and they will not become effective until 90 days after they are submitted to the President of the Senate and the Speaker of the House of Representatives.

Although the committee expects development plans to be submitted with at least as much detail as is customary before new units of the national park system are authorized, it recognizes that such plans cannot be regarded as permanently frozen and that improvements therein may later become desirable or necessary. It emphasizes, also, its belief that development should in all cases be kept on the modest side and, in the case of class I rivers, should be restricted to the barest of necessities in order to preserve the wilderness characteristics of this type of scenic river area.

Section 4 calls for the study by the Secretary of the Interior and the Secretary of Agriculture of certain rivers in order to determine whether they should be recommended for inclusion in the scenic rivers system. It limits the rivers to be studied for this purpose to those named in section 5, requires that the studies be coordinated with any planning work being carried on under the Water Resources Planning Act, sets out certain factors that are to be considered, studied and reported on, and prescribes the officials to whom the reports are to be submitted for review and comment before being transmitted to the Congress. While this section does not require public hearings by the agency conducting the studies, the committee strongly urges that such hearings be held in the areas affected whenever there is clear indication of public interest in a proposal. Experience under the Wilderness Act makes it clear that such hearings are frequently very valuable. Subsection (c) of section 4 prescribes the Federal agencies to whom the Secretary of the Interior must submit State-named scenic river proposals for review and comment before he approves such proposals and thereby includes such rivers in the national scenic rivers system.

Section 5(a) names 28 rivers or sections of rivers for potential addition to the system. These are the rivers which are to be studied and reported on by the two Secretaries under section 4 of the bill unless, as provided in section 5(c), the study is undertaken by a State. Subsection (b) requires that the studies and reports be completed within 15 years from the date of the act and provides that priority shall be given to study of those rivers which are most likely to be affected by prospective developments which would make them unsuitable for

inclusion in the system. Subsection (c) provides that the studies shall be made in close cooperation with State and local agencies and directs that a Federal study be not made if the Governor of the State concerned certifies that the State or one of its political subdivisions is prepared to undertake the study and if, in fact, it does diligently pursue it. Subsection (d) requires all Federal water resources agencies to take into account potential scenic river areas in their planning activities and directs the Secretary of the Interior and the Secretary of Agriculture to determine what scenic river areas there are that should be taken account of by such agencies.

Section 6, subsection (a), provides for land acquisition by the Secretaries of the Interior and Agriculture within the boundaries of federally administered scenic river areas. Land owned by a State, a political subdivision or an Indian tribe may not be acquired without its consent unless the owner is not following a management and protection plan that assures its use in a manner consistent with the purposes of the act. This subsection also makes it clear that, though money may be appropriated from the land and water conservation fund for land acquisition within scenic river areas, this is not a necessary, let alone the sole, source from which such appropriations for this purpose may come. Subsection (b) of this section provides for exchanges of Federal land outside of scenic river areas for non-Federal land inside such areas. Subsection (c) authorizes transfer to the Secretary of the Interior or the Secretary of Agriculture of jurisdiction over lands administered by other Federal departments and agencies within national scenic river areas. Subsection (d) allows the two Secretaries to accept donations of land, funds and other property for the purposes of the act.

Section 7, subsection (a), forbids the Federal Power Commission to license any project on or directly affecting any river designated for inclusion in the scenic rivers system. While this prohibition is immediately applicable only to the six scenic rivers named in section 3 of the bill, it will become applicable to other rivers as they are hereafter added to the system by act of Congress or under the provisions of section 2(a) (ii) of the bill. Subsection (a) also prohibits other Federal departments or agencies from making loans or grants for, and from licensing, water resource projects on such a river if the project would have an adverse effect on its scenic river values. These prohibitions, as the bill makes clear, do not apply to upstream or downstream developments which will not invade the scenic river area or deprive it of the water needed to maintain its scenic, recreational, and fish and wildlife values. Further protection is given these areas by the requirement of this subsection that any department or agency of the United States which intends to recommend authorization or construction of a water resource project which would have an adverse effect on such an area advise the Secretaries of the Interior and Agriculture of its intention to do so in advance and that it report to Congress, at the time it seeks authorization or appropriations, on the effects of the proposed development on the scenic river values.

Subsection (b) imposes similar prohibitions and requirements with respect to rivers in the study category for the 5 years after the date of the act and for an additional period of 3 years in the case of study rivers which the Secretary of the Interior or the Secretary of Agricul-

ture recommends be added to the authorized category or for an additional period of 1 year in the case of a State-named river which is recommended to the Secretary of the Interior for inclusion in the system.

Subsection (c) requires the Federal Power Commission and other Federal agencies to keep the Secretaries of the Interior and Agriculture informed of all activities within their jurisdiction affecting or potentially affecting any of the study rivers.

Section 9 withdraws permanently from entry, sale or other disposition all public lands within the authorized boundaries of any river included within the scenic rivers system. It also withdraws temporarily from entry, sale or other disposition public lands which constitute the bed and bank, or are within a quarter mile of the bank. of any potential addition to the scenic river system named in section 5 of the bill. This temporary withdrawal lasts for 5 years from the date of the act and for the additional periods noted above with respect to licensing and financing assistance.

Section 10, subsection (a), makes operations on mining claims which have not been perfected before a river is included in the National Scenic Rivers System subject to regulations prescribed by the Secretaries of the Interior and Agriculture to effectuate the purposes of the act. It also limits the rights conveyed by a patent to the mineral deposit itself and to such use of the surface as is necessary to carry on mining operations and as is consistent with regulations of the Secretary of the Interior and Agriculture, and it withdraws from appropriation under the mining laws and from leasing under the mineral leasing laws all public lands constituting the bed and banks of a class I scenic river or within a quarter mile thereof. Subsection (b) similarly withdraws from appropriation all minerals within a quarter mile of the banks of any of the rivers in the study category for the same 5-year and additional periods as have been noted. The mineral leasing laws, however, will continue to operate in such areas subject to appropriate conditions prescribed by the Secretaries of the Interior and Agriculture.

Section 10 provides for administration of scenic rivers with primary emphasis on their esthetic, scenic, historic, archaeologic, and scientific features but allows other uses which do not substantially interfere with the public use and enjoyment of the characteristics which caused their inclusion in the system. It defines the laws applicable to scenic river areas which are also within the National Wilderness System, makes those areas that are administered by the Secretary of the Interior through the National Park Service parts of the national park system and those administered through the Fish and Wildlife Service parts of the National Wildlife refuge system, authorizes the Secretaries of the Interior and Agriculture to utilize other statutory authority available to them to assist in the adminstration of these areas, and provides for cooperative arrangements with the States and their political subdivisions.

Section 11 directs the Secretary of the Interior to encourage the States to include State and local scenic river areas in outdoor recreation plans formulated by them under the Land and Water Conservation Fund Act and to furnish technical assistance and advice to them. The Secretary of Agriculture and the Secretary of Health, Ed-

ucation, and Welfare are similarly directed to furnish such advice and assistance.

Section 12 requires the heads of all departments and agencies to review all their programs, policies and plans that may affect any of the rivers named in section 5 of the bill with a view to protecting these rivers during their study period. Timber harvesting, road construction and other similar activities are to be given special attention. Cooperation with State and Federal water pollution control agencies is enjoined upon the administrator of any component of the National Scenic Rivers System.

Section 13, subsection (a), makes it clear that hunting and fishing in accordance with applicable State and Federal laws will be permitted in authorized scenic river areas unless, in the case of hunting, they are within a national park or monument and except at times when and in zones where public safety requires otherwise. Subsection (b) is a declaration to the effect that nothing in the act constitutes a claim or denial by the United States with respect to the applicability or nonapplicability of State water laws and to the further effect that the act does not alter, amend or repeal any interstate water compact to which the consent of the Congress has been given. Subsection (c) preserves State access to the beds of navigable streams included within the scenic rivers system. It also requires that any State which applies for inclusion of one of its streams in the scenic river system certify that it will not permit mining or any other disruptive activity to be carried on in the stream bed. Subsection (d) governs the granting of easements and rights-of-way in federally administered scenic river areas. It provides that conditions attached to such grants shall be related to the purposes of the act and not to certain other matters.

Section 14 deals with the effect of the claim and allowance of an income tax deduction for conservation easements donated for purposes of the act. If such a donation is made and the deduction is claimed and allowed it will constitute an agreement that, upon breach of the terms of the conservation easement, the servient estate may be acquired at fair market value as of the time of the donation minus the value of the easement claimed and allowed as a deduction.

Section 15 defines the terms "river," "free-flowing," and "conservation easement" as they are used in the bill.

Section 16 limits appropriations for the acquisition of lands and interests in land for the initial six scenic river areas to $17,340,000.

DEPARTMENTAL REPORTS

The reports of the Departments of the Interior and Agriculture along with various other reports follow:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY.
Washington, D.C., February 18, 1967.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: The President, in his January 30, 1967, message to the Congress on protecting our natural heritage, renewed his recommendation for legislation to establish a nationwide system of scenic

rivers similar to legislation the Department submitted to the 89th Congress. The need to act in order to preserve portions of our free-flowing rivers for the benefit of the American people is urgent. Unless we act promptly, growth and development will soon make the beauty of the unspoiled stretches of our scenic waterways merely a memory.

While river flows have been harnessed to aid navigation, control floods, increase farm productivity and hydroelectric power, too little attention has been given to the importance of protecting the very water we drink and the values of fish and wildlife, scenic and outdoor recreation resources. These values, although often measureless in commercial terms, should be preserved by a program that will guarantee America her heritage of unspoiled, unpolluted free-flowing rivers. Our belief is shared by a wide range of public and private authorities, and the time to act is now, before it is too late.

In 1962, the Outdoor Recreation Resources Review Commission endorsed efforts to preserve certain rivers because of unique natural values they provide. Also in 1962, the President upon recommendation of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, and the Secretary of Health, Education, and Welfare, approved for application by them and by the Bureau of the Budget a policy statement concerning the use and development of water and related land resources. This policy statement provides, among other things, that in particular instances wild areas of rivers should be maintained and used for recreational purposes.

In 1963, this Department and the Department of Agriculture initiated a coordinated, broad-scale study of the need to preserve a nationwide system of scenic or wild rivers. This study revealed that of a total of approximately 100,000 miles of rivers and tributaries in the United States averaging a flow of at least 550 cubic feet per second, only a few of the rivers could still be classified as relatively unspoiled. In a strict sense, a pristine river is a rare thing today in the United States. There are, however, many free-flowing rivers, or segments thereof, which still retain enough of their original character to provide the distinctive type of enjoyment and inspiration that increasing numbers of people are seeking. The sheer natural beauty of such river areas is a source of physical and spiritual refreshment.

The enclosed bill, which would establish a nationwide system of scenic rivers, is similar to the proposal which the Department submitted to the 89th Congress. We urge that it receive early consideration. A detailed analysis of its provisions is set forth in an enclosure to this report.

Pertinent data with respect to the initial nine areas included by this bill in the system is enclosed.

The proposed legislation has been prepared in collaboration with the Secretary of Agriculture and has his approval.

The Bureau of the Budget has advised that this proposed legislation is in accord with the program of the President.

Sincerely yours,

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

A BILL To reserve certain public lands and other lands for a Nationwide System of Scenic Rivers, to provide a procedure for adding additional lands to the system, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Scenic Rivers Act".

STATEMENT OF POLICY

SECTION 2. The Congress finds that some of the free-flowing rivers of the United States and related adjacent land areas possess outstanding scenic, fish, wildlife, and outdoor recreation values of present and potential benefit to the American people. The Congress also finds that our established national policy of dam and other construction on appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their natural and free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes. It is the policy of Congress that selected parts of the Nation's diminishing resource of free-flowing rivers, and their related adjacent lands should be preserved, reclaimed, and appropriately developed for the benefit of all the American people. For this purpose there is hereby established a Nationwide System of Scenic Rivers to be composed of (a) the areas designated by this Act or subsequent Acts as "national scenic river areas", and (b) the State and local scenic river areas designated by the Secretary of the Interior as part of the System. Areas designated as "national scenic river areas" by subsequent Acts of Congress shall be administered in accordance with the provisions of this Act unless the subsequent Acts provide otherwise.

DEFINITION OF NATIONAL SCENIC RIVER AREA

SECTION 3. A national scenic river area eligible to be included in the System is a stream or any section of a stream, tributary, or river—and the related adjacent land area—that possesses outstanding scenic, fish, wildlife, and outdoor recreation values, that is essentially free-flowing and unpolluted, and that should be preserved in such condition, or restored thereto, in order to promote public use and enjoyment.

NATIONAL SCENIC RIVER AREAS

SECTION 4. (a) The following rivers, or segments thereof, and related adjacent lands are hereby designated as "national scenic river areas":

(1) Salmon, Idaho: the segment from the town of North Fork downstream to the town of Riggins, and the entire Middle Fork.

(2) Clearwater, Middle Fork, Idaho: the Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway River at Lowell, forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin.

(3) Rogue, Oregon: the segment from the Route 101 highway bridge above Gold Beach upstream to the Applegate River.

(4) Rio Grande, New Mexico: the segment from the State Highway 96 crossing upstream to the Colorado State line, and the lower four miles of the Red River.

(5) Eleven Point, Arkansas and Missouri: the segment from its confluence with the Black River in Arkansas upstream to Thomasville in Missouri.

(6) Cacapon, West Virginia: the Cacapon from its mouth to its source, the entire Lost River, and the North River upstream to the U.S. 50 highway bridge.

(7) Shenandoah, West Virginia: the segment of the river located in the State of West Virginia.

(8) Saint Croix, Minnesota and Wisconsin: the segment beginning at St. Croix Falls and extending upstream to the dam near Gordon, Wisconsin, and its Namekagon tributary.

(9) Wolf, Wisconsin: the segment beginning at Keshena Falls and extending upstream to the Langlade-Menominee County line.

(b) The Secretary of the Interior shall administer the national scenic river areas designated by subsection (a) of this section, paragraphs (4), (8), and (9), and the Secretary of Agriculture shall administer the areas designated by paragraphs (2) and (5), except that lands under the administrative jurisdiction of another Federal agency that are included in any such area shall be administered in such manner as may be agreed upon by the appropriate Secretary and the head of that agency, or as directed by the President. The areas designated by paragraphs (1), (3), (6), and (7) shall be administered in a manner agreed upon by the two Secretaries, or as directed by the President. The Secretary charged with the administration of each national scenic river area or portion thereof shall establish detailed boundaries for such area as soon as practicable after the date of enactment of this Act. Such boundaries may be revised from time to time, but may not include on both sides of the stream, tributary, or river a total of more than 320 acres per mile. The appropriate Secretary shall publish notice of such detailed boundaries in the Federal Register, together with appropriate descriptions.

(c) Within the exterior boundaries of a national scenic river area as established pursuant to subsection (a) of this section, the Secretary of the Interior or the Secretary of Agriculture may acquire lands or interests therein by donation, purchase with donated or appropriated funds, or exchange: *Provided*, That on both sides of the stream, tributary, or river a total of not more than 100 acres per mile may be acquired in fee under authority of this Act, except that the appropriate Secretary may acquire in fee such additional acreage per mile as he determines is needed (1) to provide public use facilities and public access, or (2) to acquire the portion of any individual tract of land which lies outside of the boundaries of a national scenic river area, with the consent of the owner, in order to avoid the payment of severance costs. Land acquired outside of the boundaries of a national scenic river area under authority of this subsection may be exchanged by the appropriate Secretary for any non-Federal property within such boundaries. Lands owned by a State may be acquired only with the consent of the owner. Lands owned by an Indian tribe may be

acquired only with the consent of the tribal governing body. Lands acquired by the Secretary of Agriculture within or adjacent to a national forest shall upon acquisition become national forest lands. Money appropriated for Federal purposes from the Land and Water Conservation Fund shall be available for the acquisition of property for the purposes of this Act.

(d) In the exercise of his exchange authority, the Secretary of the Interior may accept title to any non-Federal property within a national scenic river area, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction within the States in which the national scenic river area is located which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or, if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(e) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire by condemnation proceedings lands within any national scenic river area that are located in an incorporated city, village, or borough as long as such entities shall have in force and applicable to such lands a duly adopted, valid enforced zoning ordinance that is satisfactory to the appropriate Secretary.

(f) Neither the Secretary of the Interior nor the Secretary of Agriculture may exercise any authority to acquire county-owned lands within any national scenic river area, without the consent of the county, as long as the county is following a plan for the management and protection of such lands that is satisfactory to the appropriate Secretary.

ADMINISTRATION OF NATIONAL SCENIC RIVER AREAS

SECTION 5. (a) A national scenic river area shall be administered for the purposes of protecting its outstanding scenic, fish, wildlife, and outdoor recreation values, or restoring such values to the area, for public use and enjoyment, but without limitation on other uses that do not substantially interfere with these purposes. The Secretary of the Interior or the Secretary of Agriculture shall give primary management emphasis to protecting the aesthetic and scenic features of such areas. The appropriate Secretary may, in developing management plans, establish for a national scenic river area, or portion thereof, varying intensities of protection or development, based on the special attributes of the river. The Secretary of the Interior, in administering such areas, may utilize such statutory authorities relating to areas of the National Park System and such statutory authorities otherwise available to him for recreation and preservation purposes, and the conservation and management of natural resources, as he deems appropriate to carry out the purposes of this Act. The Secretary of Agriculture, in administering such areas, shall utilize the statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(b) The Secretary charged with the administration of a national scenic river area or portion thereof may enter into written cooperative agreements with the Governor of a State or appropriate local official for State or local governmental agency participation in the administration of the area. The States shall be encouraged to cooperate in the planning and administration of a national scenic river area where it includes State-owned or county-owned lands. Any Federal land located within a national scenic river area may, with the consent of the head of the agency having jurisdiction thereof, be transferred to the jurisdiction of the appropriate Secretary for administration as part of the area. Any land transferred hereunder to the jurisdiction of the Secretary of Agriculture for administration as part of a national scenic river area in connection with the National Forest System shall become national forest land.

SPECIAL PROVISIONS

SECTION 6. (a) Except as specifically authorized by the Congress, the Federal Power Commission shall not authorize the construction, operation, or maintenance of any new dam or any project work unrelated to an existing project under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a *et seq.*), in any national scenic river area established pursuant to sections 4 and 7 of this Act.

(b) Nothing in this Act shall affect the applicability of the United States mining laws and all laws pertaining to mineral leasing within national scenic river areas, except that all prospecting and mining operations, and all other activities on mining claims located after the effective date of this Act, and all mining operations and other activities under a mineral lease, permit, or license issued after the effective date of this Act shall be subject to such regulations as the Secretary of the Interior, or the Secretary of Agriculture in the case of national forest lands, may prescribe to effectuate the purposes of this Act. All such regulations shall provide, among other things, for safeguards against pollution of the stream, tributary, or river.

After the effective date of this Act, subject to valid existing rights, all patents issued under the United States mining laws affecting lands within national scenic river areas shall convey title only to the mineral deposits within the claim, together with the right to use so much of the surface and surface resources as are reasonably required for carrying on mining or prospecting operations and uses reasonably incident thereto, subject to the regulations prescribed by the appropriate Secretary to effectuate the purposes of this Act, and each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the lands or the products thereof not required for carrying on activities reasonably incident to mining or prospecting shall be allowed. Mining claims located after the effective date of this Act within national scenic river areas shall create no rights in excess of those rights which may be patented under the provisions of this subsection.

(c) Any portion of a national scenic river area that is within the National Wilderness Preservation System, as established by the Act of September 3, 1964 (78 Stat. 890), shall be subject to the provisions of both the Wilderness Act and this Act with respect to the preserva-

tion of such national scenic river area, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(d) Any portion of a national scenic river area that is administered by the Secretary of the Interior through the National Park Service shall become a part of the National Park System, and any such portion administered by the Secretary of the Interior through the Fish and Wildlife Service shall become a part of the National Wildlife Refuge System. Such lands shall be subject to the provisions of this Act and the Acts under which the respective system is administered, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(e) The head of any Federal or State agency administering a national scenic river area shall cooperate with the Secretary of the Interior, and with the appropriate State water pollution control agencies, for the purpose of eliminating or diminishing the pollution of waters within a national scenic river area.

(f) The designation of any stream or portion thereof as a national scenic river area in accordance with the provisions of this Act shall have the effect of reserving, subject to rights vested under either State or Federal law at the time of such designation which are compensable under the next following sentence, the waters of such stream for the purposes of this Act, but in quantities no greater than necessary to accomplish such purposes. Any taking by the United States, under the provisions of this Act, of a water right that is vested under State or Federal law, that is beneficially used at the time a national scenic river area is established, and that prior to the date of this Act would have been compensable if taken or interfered with by the United States for purposes not related to the exercise of the commerce power, shall entitle the owner of such right to just compensation.

(g) Nothing in this Act shall affect the jurisdiction or responsibilities of the States under other provisions of law with respect to fish and wildlife.

PLANNING FOR ADDITIONAL NATIONAL SCENIC RIVER AREAS

SECTION 7. (a) The Secretary of the Interior, and the Secretary of Agriculture where national forest lands are involved, after consultation with interested Federal agencies, are directed to consult with the Governors and officials of the States in which the rivers listed below are located to ascertain whether a joint Federal-State plan is feasible and desirable in the public interest to conserve segments of these rivers. They shall submit to the President their recommendations for or against designation of any or all of them as national scenic river areas, and the President shall submit to the Congress such recommendations, including draft legislation, as he deems appropriate. Recommendations with respect to not less than one-half of such rivers shall be submitted to the President within five years after the date of enactment of this Act, and the recommendations with respect to the remaining rivers shall be submitted to the President within ten years after the date of enactment of this Act:

(1) Animas, Colorado
(2) Big Fork, Minnesota
(3) Big Hole, Montana

(4) Buffalo, Tennessee
(5) Chattooga, North Carolina, South Carolina, and Georgia
(6) Delaware, New York, and Pennsylvania
(7) Deschutes, Oregon
(8) Feather, California
(9) Flathead, Montana
(10) Gasconade, Missouri
(11) Gila, New Mexico
(12) Green, Wyoming
(13) Gross Ventre, Wyoming
(14) Guadalupe, Texas
(15) Klamath, California
(16) Madison, Montana
(17) Manistee, Michigan
(18) Mullica, New Jersey
(19) Niobrara, Nebraska
(20) Penobscot, East and West Branches, Maine
(21) Pere Marquette, Michigan
(22) Pine Creek, Pennsylvania
(23) Potomac, South Branch, West Virginia
(24) Salmon, Idaho: the segment from the town of Riggins downstream to its confluence with the Snake River
(25) Salt, Arizona
(26) Shenandoah, Virginia
(27) Skagit, Washington
(28) Snake, North Fork, Idaho
(29) Susquehanna, New York and Pennsylvania
(30) Suwannee, Georgia and Florida
(31) Upper Iowa, Iowa
(32) Wacissa, Florida
(33) White, Colorado
(34) Wind, Wyoming
(35) Yellowstone, Montana

(b) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national scenic river areas, and all river basin and project plan reports submitted to the Congress shall discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional areas within the United States shall be evaluated in planning reports as potential national scenic river areas.

(c) The Secretary of the Interior, and the Secretary of Agriculture where national forest lands are involved, shall also submit to the President from time to time their recommendations for designation of any other river or segment thereof as a national scenic river area. The President shall submit to the Congress such recommendations, including draft legislation, as he deems appropriate.

(d) Recommendations submitted to the Presideut under this section shall be developed in consultation with the States, those Federal agencies which normally participate in the development of recreation plans and comprehensive river basin plans, any commissions established pursuant to interstate compacts the assigned responsibilities of which would be affected, and commissions or other bodies which may be es-

tablished for the purpose of developing a comprehensive plan for the river basin within which the contemplated national scenic river area would be located. Each such recommendation shall be accompanied by (1) expressions of any views which the agencies and States consulted pursuant to the foregoing may submit within ninety days after having been notified of the proposed recommendation, (2) a statement setting forth the probable effect of the recommended action on any comprehensive river basin plan that may have been adopted by Congress or that is serving as a guide for coordinating Federal or Federal and State programs in the basin, and (3) in the absence of such plan, a statement indicating the probable effect of the recommended action on alternative beneficial uses of the resources of the basin.

(e) Whenever it is proposed to designate a river or segment thereof as a national scenic river area, and the river or segment runs through predominantly non-Federal land, the appropriate Secretary shall include in his recommendations to the President the views of the Governor of each State concerned with respect to its addition, and with respect to whether it should be wholly or partly acquired, protected, and managed pursuant to exclusive State authority. The views of the Governor shall be accompanied by or based upon a general State plan which assures the effectuation of the purposes of this Act in perpetuity. The President shall include in his recommendations to the Congress, with respect to the designation of such river or segment thereof as a national scenic river area, specific recommendations on the administration of such area by State authority.

(f) Any recommendation for designation of an area as a national scenic river area shall indicate the extent to which land will need to be acquired by the State and by the Federal Government, and the extent to which the acquisition of scenic easements or other interests in land may be used in lieu of acquisition of a fee title.

ADMINISTRATION OF ADDITIONAL NATIONAL SCENIC RIVER AREAS

SECTION 8. National scenic river areas designated by subsequent Acts of Congress shall be administered by the Secretary of the Interior, except that when the national scenic river area is wholly within, partly within, or closely adjacent to, a national forest such area shall be administered by the Secretary of Agriculture unless it is also partly within, or closely adjacent to, an area administered by the Secretary of the Interior, in which event the national scenic river area shall be administered in such manner as agreed upon by the Secretary of the Interior and the Secretary of Agriculture, or as directed by the President.

STATE AND LOCAL SCENIC RIVERS

SECTION 9. (a) The Secretary of the Interior is directed to encourage and assist States to consider, in their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local scenic river areas. He is further directed, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), to provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, in-

cluding nonprofit organizations, with respect to establishing such scenic river areas.

(b) The Secretary of Agriculture is directed in accordance with the authority vested in him to assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such scenic river areas.

(c) Upon application of the Governor of the State for the designation of the Allagash Wilderness Waterway in Maine or the segment of the Wolf River in Langlade County, Wisconsin, as part of the Nationwide System of Scenic Rivers, the Secretary of the Interior may make such designation if the State or local agency administering the area agrees to manage and protect it in a manner satisfactory to the Secretary. Such designation shall preclude the Federal Power Commission from authorizing within such areas the construction, operation, or maintenance of any new dam or any project work unrelated to an existing project under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), except as specifically authorized by the Congress.

(d) Upon application of the Governor of a State for the designation of any additional State or local scenic river area as part of the Nationwide System of Scenic Rivers, the Secretary may make such designation, after consultation with interested Federal agencies, if the State or local agency administering the area agrees to manage and protect it in a manner satisfactory to the Secretary.

SECTION 10. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

ANALYSIS OF BILL

The bill is patterned after the Wilderness Act of September 3, 1964 (78 Stat. 890), which established the National Wilderness Preservation System.

Section 1 provides for the act to be cited as the "Scenic Rivers Act".

Section 2 sets out a statement of policy to the effect that our national policy of constructing dams and other works on certain sections of rivers needs to be complemented with a policy of preserving other sections of free-flowing rivers and related adjacent lands that possess outstanding scenic, fish, wildlife, and outdoor recreation values. The section declares a congressional policy to preserve, reclaim, and appropriately develop such sections of our free-flowing rivers, and establishes a Nationwide System of Scenic Rivers composed of (1) areas designated by Congress in this act or subsequent acts as "national scenic river areas", and (2) State and local scenic river areas designated by the Secretary of the Interior as part of the system.

Section 3 defines the term "national scenic river area" to denote those segments of streams, tributaries, or rivers that possess outstanding scenic, fish, wildlife, and outdoor recreation values and are essentially free flowing and unpolluted, and that should be preserved in such condition, or restored thereto, for public use and enjoyment. The definition of "national scenic river area" is not limited to relatively unspoiled or wilderness types of rivers because there are only a few such rivers remaining in the United States. There are, however, many free-flowing rivers, or segments thereof, which still retain enough of

their original character to provide the distinctive type of enjoyment and inspiration that increasing numbers of people are seeking.

Section 4(a) designates as the initial national scenic river areas nine rivers or segments thereof, some of which are already mostly in Federal ownership. Each of these rivers has been carefully studied by this Department and the Department of Agriculture, and is considered to be an outstanding example of the values a nationwide system of scenic rivers seeks to preserve. The segments of the Salmon (Idaho), Clearwater (Idaho), Rogue (Oreg.), Rio Grande (N. Mex.), Eleven Point (Mo. and Ark.), Cacapon (W. Va.), and Shenandoah (W. Va.) Rivers mentioned in this section were included in the bill that passed the Senate in the 89th Congress (S. 1446). The segment of the Eleven Point River, however, has been extended downstream to its confluence with the Black River—a distance of approximately 50 miles. This has been made possible by a recent decision of the Secretary of the Army to recommend deauthorization of the Water Valley Dam project on the lower portion of the Eleven Point River.

The segments of the St. Croix (Wis. and Minn.) and Wolf (Wis.) Rivers described in this section have also been proposed for preservation as free-flowing rivers in previous bills introduced in the 89th Congress. The St. Croix River is widely acclaimed as one of the most scenic and relatively unpolluted large rivers in the United States. The Wolf River has long been the subject of intensive efforts to protect its recreational qualities. On January 4, 1967, the Secretary of the Interior announced that a grant had been made to the State of Wisconsin out of funds appropriated from the land and water conservation fund for the State to acquire and develop the portion of the Wolf River in Langlade County for scenic river purposes. The Secretary of the Interior also announced that he planned to recommend the downstream portion of the Wolf River in Menominee County for national scenic river status.

The nine rivers designated as the initial national scenic river areas are scattered across the face of America. Three of them—the Clearwater, Salmon, and Rogue—are in the Far West. Four others— the Rio Grande, Eleven Point, St. Croix, and Wolf—are in the middle section of the country. The remaining two, the Cacapon and Shenandoah, are located in the East. These rivers contain an intriguing variety of recreational opportunity. There are white-water rivers such as sections of the Salmon and Rogue, and more leisurely, forested rivers such as the St. Croix and Eleven Point. All of them afford outstanding opportunities for a wide variety of outdoor recreation experiences. Each is regarded as one of the finest examples of the remaining free-flowing rivers in this country.

The national scenic river areas listed in this section do not include the Missouri in Montana or the Buffalo in Arkansas because these areas are now under consideration for administration in connection with the national parks system. They might, for example, be authorized as national scenic riverways comparable to the Ozark National Scenic Riverway. The upper reaches of the Hudson River in New York and the Connecticut River in Vermont and New Hampshire also are not included at this time because of studies now underway.

Section 4(b) provides for the administration of the Rio Grande, St. Croix, and Wolf National Scienic River Areas by the Secretary of

the Interior, and for the administration of the Clearwater and Eleven Point National Scenic River Areas by the Secretary of Agriculture. The Salmon, Rogue, Cacapon, and Shenandoah National Scenic River Areas are to be administered in a manner agreed upon by the two Secretaries, or as directed by the President. The rivers to be administered by the Secretary of Agriculture are closely associated with national forests.

Section 4(b) also requires that detailed boundaries for each national scenic river area be established as soon as practicable after the enactment of the bill, and provides that such boundaries may not include on both sides of the river a total of more than 320 acres per mile. This provision will enable the amount of land included in a national scenic river area to vary in width at different points along the river segment. Some portions of a national scenic river area will extend only a short distance beyond the riverbanks. Other portions will include a wider strip of land along the river that will vary in width depending upon such factors as the terrain, vegetative cover, existing developments, and the need for public use facilities and administrative sites. This provision envisions that the boundaries of a national scenic river area generally will not extend to a width of more than 1,320 feet from either side of the river.

Sections 4 (c) and (d) set forth the general authority of each Secretary to acquire property within the boundaries of national scenic river areas, but restrict each Secretary's authority to acquire a fee title on both sides of the river to a total of not more than 100 acres per mile. This envisions the fee acquisition of a strip of land generally not more than 400 feet from either side of the river. This limitation does not apply, however, where additional lands need to be acquired in fee to provide public use facilities and public access, and to avoid the payment of severance costs. The bill contemplates that the acquisition of scenic easements or other interests in land will be adequate to protect the remaining lands included in the boundaries of a national scenic river area.

Sections 4 (c), (e), and (f) provide that the appropriate Secretary may not acquire (1) lands owned by a State without its consent; (2) lands owned by an Indian tribe without the consent of the tribal governing body; (3) lands within an incorporated city, village, or borough by condemnation proceeding as long as satisfactory zoning ordinances are in effect with respect to such lands; and (4) county-owned lands by any method, without the consent of the county, as long as it is following a satisfactory management plan for such lands.

Section 5(a) sets forth the purposes for which the national scenic river areas are to be administered. It directs the two Secretaries to give primary management emphasis to protecting the esthetic and scenic features of such areas. This section recognizes that management plans for national scenic river areas may vary, depending upon the special attributes of each such area. The intention of this section is to maintain the status quo with respect to the character of the river and related adjacent lands at the time of its designation as a national scenic river area. It is recognized, however, that additional highways may unavoidably be routed across national scenic river areas.

Section 5(b) provides that the States will be encouraged to cooperate in the administration of a national scenic river area where it in-

cludes State- or county-owned lands. This section also authorizes the transfer of any Federal land located within a national scenic river area, with the consent of the agency having jurisdiction thereof, to the appropriate Secretary for administration as part of the national scenic river area.

Section 6(a) restricts the authority of the Federal Power Commission to license the building of any new dam or any project work unrelated to an existing project within a segment of a river designated as a national scenic river area. It provides that the Federal Power Commission may not issue such licenses unless the Congress enacts legislation approving their issuance. The purposes of designating an area as a national scenic river area are to maintain the free-flowing character of the stream and the natural character of the related adjacent lands. The building of dams or other structures would destroy these conditions.

Section 6(b) expressly continues the applicability of the U.S. mining and mineral leasing laws to the areas designated as national scenic river areas. All mining operations, however, will be subject to regulations needed to safeguard the national scenic river values. In addition, after the effective date of this act, a mining claim perfected within a national scenic river area will give the mining claimant title only to the mineral deposits in the claim, together with the right to make any use of the land surface of such a claim as is reasonably required for his mining operations.

We believe that mineral activity within a national scenic river area should not be precluded, but that it should be subject to sufficient controls to prevent mining from defeating the purposes of this bill. This section provides such controls.

Sections 6 (c) and (d) provide that when a portion of a national scenic river area is also located within the national wilderness preservation system, the national park system, or the national wildlife refuge system, the provisions of this bill and the act or acts governing the respective system will apply to such area, and if there should be a conflict the more restrictive provisions will apply.

The provisions of the Wilderness Act governing mining in the national forest areas designated by that act as wilderness areas are, for example, more restrictive than the comparable provisions of this bill. When a portion of a scenic river area, therefore, is also within a portion of a national forest designated by the Wilderness Act as a wilderness area, it would be withdrawn on January 1, 1984, from further appropriation under the mining laws and from further disposition under all laws pertaining to mineral leasing.

Section 6(e) requires the Federal or State agency which has responsibility for a national scenic river area to cooperate with the Secretary of the Interior and with appropriate State water pollution control agencies for the purpose of controlling the pollution of waters in such area.

The maintenance of a high-quality water yield in a scenic river area is affected by upstream developments. This section requires the appropriate Federal and State officials to take action to control upstream pollution under their existing authority.

Section 6(f) preserves the status quo with respect to the law of water rights, and makes clear that the designation of a stream or

portion thereof as a national scenic river area is not to be considered a reservation of waters for purposes other than those specified in the bill, or in quantities greater than necessary to accomplish these purposes.

Section 6(g) preserves the jurisdiction which the States have over fish and wildlife.

Section 7 establishes the procedures for other areas to be designated as national scenic river areas by subsequent legislation. As a basis for subsequent legislation, this section provides for studies and the development of detailed information and for the submission of reports and recommendations to the Congress on potential national scenic river areas in three ways:

(1) It directs the Secretary of the Interior, and the Secretary of Agriculture where national forest lands are involved, to consult with other Federal agencies and with the States in which the 35 rivers named in the section are located for joint Federal-State plans to preserve them, and to submit recommendations to the President, who in turn will submit recommendations to the Congress with respect to their designation as national scenic river areas. The section requires that one-half of the 35 rivers be studied within 5 years after enactment of the bill, and the balance within 10 years. The 35 rivers have been the subject of preliminary investigation and have been identified as prime candidates for national scenic river status.

(2) It requires all river basin and project planning reports submitted to the Congress to discuss the alternative use of a river or portion thereof as a national scenic river area, and to consider specifically for this purpose any river segment designated by the Secretary of the Interior or the Secretary of Agriculture.

(3) It requires the Secretary of the Interior, and the Secretary of Agriculture where national forest lands are involved, to submit from time to time to the President, and for the President to submit to the Congress, recommendations for additional national scenic river areas.

Section 8 provides that a national scenic river area added to the system by subsequent legislation will be administered by the Secretary of the Interior or the Secretary of Agriculture, depending on the location of the area and its relation to the other programs of the two Departments.

Section 9 directs the Secretary of the Interior to encourage the States to consider needs and opportunities for establishing State and local scenic river areas in the comprehensive statewide outdoor recreation plans and project proposals submitted to the Secretary under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897). Upon the approval by the Secretary of the Interior of scenic river area projects proposed by the States for financial assistance under the Fund Act, funds would be available for the acquisition and development of such scenic river areas from the moneys allocated to the States out of the fund. This section also directs the Secretary of the Interior and the Secretary of Agriculture, under the authorities vested in them, to assist, advise, and cooperate with States, local agencies, and private interests in the establishment of such scenic river areas. The Secretary of the Interior may designate a State or local scenic

river area as part of the nationwide system of scenic rivers if the State or local agency administering the area agrees to manage and protect it in a manner satisfactory to the Secretary.

Section 10 authorizes the appropriation of such sums as may be necessary to carry out the provisions of the bill.

Cost data for the nine areas designated as national scenic river areas in this bill are presently being developed. Precise cost estimates for land acquisition and development will not be available until surveys are made on the ground to establish the detailed boundaries of the proposed areas. At the present time we estimate that approximately $3.5 million will be needed per year over a 10-year period for acquisition of property for the nine areas initially designated as national scenic river areas in this bill.

TENNESSEE VALLEY AUTHORITY,
Knoxville, Tenn., June 9, 1967.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. ASPINALL: This is in response to your letter of April 17 requesting our views with respect to a number of bills relating to the designation and management of scenic rivers. Our comments are limited to those bills which would create a nationwide system of scenic rivers.

Since its reestablishment in 1933, TVA has concerned itself with protecting and where possible enhancing scenic and related recreational resources in the Tennessee Valley. Accordingly, we support the broad objectives of the "scenic rivers" bills now before the Congress. However, as the Federal agency with special responsibility for the development of all the resources of the Tennessee Valley, we think that scenic rivers legislation should recognize TVA's regional development role and provide for the participation in the designation and management of scenic river areas within the Tennessee Basin.

With reference to the Buffalo River in Tennessee (which is specifically mentioned in several of the bills), we wish the committee to know that we are currently conducting an intensive staff study to determine its potential as a scenic riverway. If our study indicates the desirability and feasibility of using the Buffalo for such purpose, we propose to request funds for a demonstration in the utilization of a free-flowing stream (and its adjacent land resources) for selective recreation and other compatible activities. We also propose to cooperate with the State of Tennessee in planning and developing the river's scenic resources.

So far as the Upper French Broad and the Little Tennessee Rivers are concerned (they are listed among 82 rivers or portions thereof for immediate designation or future study in H.R. 90 and H.R. 493), we think that planning and construction of water control and development projects have progressed to a point which would make it inappropriate to include these streams in currently proposed "scenic rivers" legislation. Both are scenic but not uniquely so and neither is free flowing or wild.

The Bureau of the Budget advises that it has no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

AUBREY J. WAGNER, *Chairman.*

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
July 20, 1967.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your requests of April 17, 1967, for a report on H.R. 90, H.R. 493, H.R. 3996, H.R 6166, and H.R. 6588, bills that would be enacted as the Scenic Rivers Act; H.R. 6373 and H.R. 8416, bills that would be enacted as the National Scenic Rivers Act; and H.R. 7020, a bill to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes.

These bills are quite similar, except for H.R. 7020, and would provide for the establishment of a National Scenic Rivers System for the preservation and restoration of selected rivers or sections of rivers in their free-flowing condition to protect water quality and outdoor recreational values. H.R. 7020 would provide for the conservation and administration of the Buffalo River in Arkansas. It is noted that this river is also named in H.R. 90 and H.R. 493 for inclusion in the National Scenic Rivers System.

This Department endorses the establishment of a National Scenic Rivers System for the preservation and restoration of selected rivers or sections of rivers in their free-flowing condition. Such a scenic rivers system would, we believe, enhance the Nation's health and welfare through the conservation of resources and the provision of recreational areas in various parts of the country.

Each of these bills, with the exception of H.R. 7020, would provide for consultation with other interested Federal agencies with respect to certain aspects of the National Scenic Rivers System. This Department through the Public Health Service would expect to be involved in matters relating to the health aspects associated with the establishment and administration of the scenic rivers program, should this legislation be enacted.

While we are in accord with the broad objectives of this legislation, we defer to the views of the Secretaries of Agriculture and Interior concerning their specific provisions, as the administration of the National Scenic Rivers System would be vested in these officials.

We note that in section 5(c) of H.R. 3996 relating to water pollution control, reference is made to the Secretary of Health, Education, and Welfare. We believe that the Secretary of Interior is intended here as the Federal Water Pollution Control Administration was transferred from this Department to the Department of Interior by Reorganization Plan No. 2 of 1966.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

WILBUR J. COHEN,
Under Secretary.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., August 11, 1967.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior, and Insular Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: As you asked, here is our report on H.R. 90, H.R. 493, H.R. 3996, H.R. 6166 and H.R. 6588, to reserve certain public lands for a National Scenic Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes, and on H.R. 8416, to provide for a National Scenic Rivers System, and for other purposes.

In 1963, the Departments of Agriculture and the Interior initiated a joint study of the Nation's scenic rivers. As an outgrowth of that study, the Secretary of the Interior sent to the 89th Congress, in 1965, a proposed bill to establish a National Wild Rivers System. H.R. 3996 is similar to that proposed bill.

After the close of the 89th Congress, we worked with the Department of the Interior in developing modified draft legislation to establish a Nationwide System of Scenic Rivers. On February 18, 1967, the Secretary of the Interior transmitted this modified proposal to the 90th Congress with the concurrence of this Department. H.R. 6166 is identical to the administration's proposal. H.R. 6588 is nearly identical to H.R. 6166.

H.R. 90 and H.R. 493 are identical bills having a pattern similar to the administration's proposal. However, they contain additional provisions that would recognize three classes of national scenic river areas, and would direct that each river be classified and managed according to the degree of accessibility, shoreline development, and freedom from impoundments.

H.R. 8416 is similar in principle to the administration proposal. It also contains provisions that would classify the river areas according to their character.

The bills vary regarding rivers that would be designated for inclusion in an initial scenic rivers system, and that would be designated for future study.

H.R. 8416 has several desirable features. We recommend enactment of H.R. 8416, with the amendments referred to herein.

On page 2, line 20, we suggest that "or river segments" be inserted between "rivers" and "are". This makes it clear that different portions of designated scenic rivers may have different characteristics, and be classified accordingly.

We suggest that subsection 2(b)(i) be amended to read as follows:

"(i) WILD RIVERS.—Free-flowing rivers located within designated units of the national wilderness preservation system and free-flowing rivers the valleys of which have been little changed by man and to which public access is limited except by trail."

The present language of H.R. 8416 would include in the wild river-type free-flowing rivers within "de facto" wilderness areas, and provides that such rivers should be managed in accordance with the concepts embodied in the Wilderness Act (78 Stat. 890). "De facto" wilderness is not defined by the bill. We are concerned that the use of this term would be construed as an inference of classification of large areas of undeveloped lands in the national forests as "de facto wilderness" for management under the same restrictions on resource use as apply to wilderness areas designated under the Wilderness Act. Many of these areas are undeveloped simply because planned development has not reached them. In most cases, they do not have the attributes of areas presently a part of or being reviewed for recommendation for inclusion in the wilderness system. The Wilderness Act provides appropriate machinery to consider the possible inclusion of lands having wilderness character in the national wilderness preservation system.

Subsection 2(c)(ii) of the bill provides that lands in high-density use areas should be acquired in fee by the administering agency unless in the judgment of the Secretary of the Interior other methods of control are sufficient. Since this Department and other agencies will also be administering such areas, we recommend that the last sentence in this subsection be amended to read:

"The lands involved in such areas should be acquired in fee unless, in the judgment of the head of the administering agency, other methods of public control are sufficient to assure their use for the purpose for which they are created."

We concur in the amendments to section 3 of the bill suggested in the report of the Department of the Interior relating to designation and classification of the components of the national scenic rivers system. These amendments would provide that the boundaries of components of the national scenic rivers system could include no more than 320 acres per mile on both sides of a river. Rivers would be classified in accordance to the types referred to in subsection 2(b) of H.R. 8416 as soon as practicable after they are included in the system.

Subsection 3(3) of the bill outlines the administrative arrangements for the Salmon River. The river segment described lies almost entirely within or adjacent to national forests, and would be administered by the the Secretary of Agriculture. Accordingly, we recommend that subsection 3(3) be amended to provide that the Salmon River would be administered by the Secretary of Agriculture.

Sections 4 and 5 of H.R. 8416 relate to the procedures to be followed and the scope of studies to be made in connection with addition of rivers to the initial scenic rivers system. Section 4 would direct the Secretary of the Interior to make needed studies and from time to time submit proposals to the President and the Congress for additions to the system of river areas and sites which, in the judgment of the Secretary of the Interior, qualify for such designation. Copies of the Secretary of the Interior's proposed reports would be submitted to affected Federal agencies for review and comment.

Section 5 lists rivers which are designated, without prejudice to others, as candidates for potential addition to the system. It would direct the Secretary of the Interior to study these rivers in cooperation with the States and their political subdivisions. However, no study could be undertaken in the case of any stream which the Governor of

the appropriate State certifies the State is prepared to, and does study, to determine its suitability for inclusion in the system.

The bill transmitted by the Secretary of the Interior on February 18, 1967, with the concurrence of this Department, provides that where national forest lands are involved, the Secretary of Agriculture would be responsible for studies of river areas to be proposed for additions to the system. That provision gave recognition to the responsibility of this Department for managing the national forests. We believe that the language in this respect jointly developed by our two Departments should be retained. We recommend that sections 4 and 5 (other than the identification of the river segments listed for study) be amended to read as follows:

"SEC. 4. (a) The Secretary of the Interior, and the Secretary of Agriculture where national forest lands are involved, after consultation with interested Federal agencies, are directed to consult with the Governors and officials of the States in which the rivers or river segments listed below are located to ascertain whether a joint Federal-State plan is feasible and desirable in the public interest to conserve these rivers and segments thereof. They shall submit to the President their recommendations for or against designation of any or all of them as components of the national scenic rivers system, and the President shall submit to the Congress such recommendations, including draft legislation, as he deems appropriate. Recommendations with respect to not less than one-half of such rivers shall be submitted to the President within five years after the date of enactment of this Act, and the recommendations with respect to the remaining rivers shall be submitted to the President within ten years after the date of enactment of this Act:

* * * * * * *

"(b) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential components of the national scenic rivers system and all river basin and project plan reports submitted to the Congress shall discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional rivers within the United States shall be evaluated in planning reports as potential components of the national scenic rivers system.

"(c) The Secretary of the Interior, and the Secretary of Agriculture where national forest lands are involved, shall also submit to the President from time to time their recommendations for designation of any other river or segment thereof as a component of the national scenic rivers system. The President shall submit to the Congress such recommendations, including draft legislation, as he deems appropriate.

"(d) Recommendations submitted to the President under this section shall be developed in consultation with the States, those Federal agencies which normally participate in the development of recreation plans and comprehensive river basin plans, any commissions established pursuant to interstate compacts the assigned responsibilities of which would be affected, and commissions or other bodies which may be established for the purpose of developing a comprehensive plan for the river basins within which the contemplated component of the national scenic rivers system would be located. Each such recommen-

dation shall be accompanied by (1) expressions of any views which the agencies and States consulted pursuant to the foregoing may submit within ninety days after having been notified of the proposed recommendation, (2) a statement setting forth the probable effect of the recommended action on any comprehensive river basin plan that may have been adopted by Congress or that is serving as a guide for coordinating Federal or Federal and State programs in the basin, and (3) in the absence of such plan, a statement indicating the probable effect of the recommended action on alternative beneficial uses of the resources of the basin.

"(e) Whenever it is proposed to designate a river or segment thereof as a component of the national scenic rivers system, and the river or segment runs through predomnantly non-Federal land, the appropriate Secretary shall include in his recommendations to the President the views of the Governor of each State concerned with respect to its addition, and with respect to whether it should be wholly or partly acquired, protected, and managed pursuant to exclusive State authority. The views of the Governor shall be accompanied by or based upon a general State plan which assures the effectuation of the purposes of this Act in perpetuity. The President shall include in his recommendations to the Congress, with respect to the designation of such river or segment thereof as a component of the national scenic rivers system, specific recommendations on the administration of such component by State authority.

"(f) Any recommendation for designation of a river as a component of the national scenic rivers system shall indicate the extent to which land will need to be acquired by the State and by the Federal Government, and the extent to which the acquisition of scenic easements or other interests in land may be used in lieu of acquisition of a fee title.

"Sec. 5. Components of the national scenic rivers system designated by subsequent Acts of Congress shall be administered by the Secretary of the Interior, except that when the component is wholly within, partly within, or closely adjacent to, a national forest such area shall be administered by the Secretary of Agriculture unless it is also partly within, or closely adjacent to, an area administered by the Secretary of the Interior, in which event the component shall be administered in such manner as agreed upon by the Secretary of the Interior and the Secretary of Agriculture, or as directed by the President."

The above suggested amendment to subsection 4(a) does not specify the rivers to be studied under section 4. We would have no objection to the list of "study" rivers presently contained in section 5 of H.R. 8416.

On page 12, line 24, the word "designed" should be "designated."

To clarify the status of lands within the National Forests acquired by or transferred to the Secretary of Agriculture for scenic river purposes, we recommend the following sentence be added at the end of subsection 6(e) of the bill:

"Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon acquisition or transfer become national forest lands."

Section 7 of the bill would prohibit Federal agencies from licensing or assisting water resource projects "on or directly affecting" designated components of the national scenic rivers system. This restriction

would be permanent as to components designated by section 3 of the bill and temporary as to rivers designated for study by section 5.

These provisions would seriously affect the important small watershed program administered by the Soil Conservation Service of this Department. It would preclude construction of some projects outside the boundaries of a scenic river system component which are needed to provide watershed protection, prevent floods, benefit fish and wildlife, provide recreation, and provide water storage for farms, rural communities, and industries. Many of these projects can "directly affect" scenic rivers and still be compatible with the purposes of the Scenic Rivers Act. In many cases they will further these purposes by protecting water quality through prevention of erosion and sedimentation. They can extend the sensons scenic rivers can be used and enjoyed by helping to stabilize riverflows.

We therefore recommend that section 7 be amended as follows:

(1) On page 14, line 13, delete the words "on or directly affecting any such river" and substitute the following: "that would have a direct and adverse effect on the values for which any such river was established as determined by the Secretary charged with its administration or approval."

(2) On page 14 delete the sentence beginning on line 13 and substitute the following: "At the time any Department or agency of the United States recommends authorization of or requests appropriations to begin construction of any water resources project that would affect a component of the national scenic rivers system such Department or agency shall report in writing to the Secretary charged with the administration or approval of such component and to the Congress indicating how the project would affect the component and the values to be protected by this Act."

(3) On page 15, lines 6 and 7, delete the words "on or directly affecting any such river" and substitute the following: "that would have a direct and adverse effect on the values for which such river might be designated as determined by the Secretary responsible for its study or approval".

(4) On page 15, line 10, insert after the comma following the word "Interior" the following: "or the Secretary of Agriculture where national forest lands are involved,".

(5) On page 15, line 25, preceding "No" insert the following sentence, "Upon notification by the Federal Power Commission that an application has been received for a license on or directly affecting any river listed in section 5, subsection (a), of this Act, the Secretary of the Interior, or the Secretary of Agriculture where national forest lands are involved, shall proceed to complete the study within two years after the receipt of such notice.

(6) On pages 15 and 16 delete the sentence beginning on line 25 on page 15 and substitute the following sentence: "At the time any Department or agency of the United States during the period specified in this subsection recommends authorization of or requests appropriations to begin construction of any water resources project that would affect any river listed in section 5, subsection (a) of this Act, such Department or agency shall report in writing to the Secretary charged with its study or approval and to the Congress indicating how the project would affect the values to be protected by this Act."

(7) On page 16, line 13, following the word "Interior" insert a comma and the following: "or the Secretary of Agriculture where national forest lands are involved,".

In his report to your committee, the Secretary of the Interior is recommending additional amendments to H.R. 8416. We concur in these recommendations.

The Bureau of the Budget has advised that there is no objection to the presentation of this report and that enactment of legislation along the lines recommended herein would be in accord with the program of the President.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

DEPARTMENT OF THE ARMY,
Washington, D.C., August 11, 1967.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense on H.R. 90, 90th Congress, a bill to reserve certain public lands for a National Scenic Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes, and 12 other bills for the same and related purposes. The Department of the Army has been assigned responsibility for expressing the views of the Department of Defense on this bill, and related bills.

The general purposes of these bills are stated in the titles thereof. Similar proposals were put forth in both Houses of the 89th Congress.

The principal interest of the Department of Defense in such proposals is in their relation to the water resources activities of the Department of the Army and the Corps of Engineers.

The Department of the Army fully recognizes the desirability of preserving certain rivers in their natural state, believes that there is a need for legislation for that purpose, and fully supports the objectives of such legislation.

The basic position of the Department of the Army on the numerous bills which have been introduced with a view to setting aside certain streams as "wild," or "scenic," rivers may be stated briefly as follows:

First, that the Nation can well afford to forego the development of streams of unusual natural beauty.

Second, that since decisions to set aside such streams must be based largely upon intangible factors, and since the evaluation of such factors is primarily a matter of legislative judgment, the Congress should decide which of the Nation's streams should be preserved in their natural state.

Third, that if Congress is to reach a wise decision it must have a full report and definite plan for each potential wild river, and that this plan should be developed by joint and coordinated action of all the agencies, both Federal and State, concerned with the development, utilization, and conservation of the Nation's rivers. Only in this way is it possible to insure that the withdrawal of a particular stream will

be in consonance with an optimum comprehensive plan for the river basin in which it is located. In other words, each plan should be developed in accordance with the principles of the Water Resources Planning Act of 1965.

Fourth, that the report and plan for each proposed wild river should present both (*a*) the advantages to the Nation of preserving the stream in its natural state, and (*b*) the economic values that would result from its development, so that before the Congress makes a decision it will know what the Nation would be giving up in the form of material wealth in order to preserve the intangible benefits of an unspoiled natural area.

There are undoubtedly a number of streams in the United States for which the intangible benefits of preservation will clearly outweigh the material gains attainable through development. But for very few of these have studies been made which provide an adequate basis for a wise decision. Yet H.R. 90, for example, proposes that the Congress immediately authorize the setting aside of 16 streams. As indicated previously, we believe that Congress should authorize individual wild rivers only after it has all the facts before it, including information as to the relationship of the wild river proposal to a comprehensive river basin plan. We suggest, therefore, that bills like H.R. 90 be amended to require that reports and plans for each proposed wild river area be submitted to Congress for its consideration prior to the enactment of legislation authorizing the withdrawal of that area.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

DAVID E. McGIFFERT,
Acting Secretary of the Army.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 14, 1967.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. ASPINALL: This responds to the request of your committee for a report on H.R. 90 and H.R. 493, identical bills relating to the establishment of a national scenic rivers system, and on similar bills, H.R. 3996, H.R. 6166 (which we understand supersedes H.R. 3996), H.R. 6588, and H.R. 8416.

We recommend the enactment of H.R. 8416 with the clarifying and perfecting amendments indicated below. The urgent need for legislation to establish a national scenic rivers system has been set forth in our previous executive communications to the Congress on this subject.

We are sympathic with the objectives of all of the scenic or wild river bills which have been introduced in the 90th Congress. Basically, four different proposals are pending before the Congress, illustrated by H.R. 6166 (which is identical to the bill the Department submitted to the Congress by an executive communication of February 18, 1967),

H.R. 90 which was introduced by Congressman Saylor, H.R. 8416 which you introduced, and S. 119 which was introduced by Senator Church. We have considered these bills very carefully.

We believe it would be appropriate to start the system either with the four rivers mentioned in H.R. 8416, as a minimum, or any combination of the additional rivers designated as the initial units of the system in H.R. 6166 or S. 119. Attached to this report is a summary of the principal differences between the pending bills.

H.R. 8416 declares a policy of the United States to preserve in a free-flowing condition certain selected rivers which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, and to protect such rivers and their immediate environments for the benefit and enjoyment of future generations. To carry out this policy the bill establishes a national scenic rivers system composed of rivers authorized for inclusion in the system by act of Congress, and rivers designated as scenic rivers by or pursuant to an act of the legislatures of the States through which they flow. In order for the rivers so designated by State legislatures to be included in the system, however, they must be (1) permanently administered as scenic rivers by an agency or political subdivision of the States involved without expense to the Federal Government; (2) found by the Secretary of the Interior to meet the criteria established in the bill and such criteria supplementary thereto as he may prescribe; and (3) approved by the Secretary of the Interior for inclusion in the system.

The bill recognizes four types of rivers as eligible for inclusion in the national scenic rivers system: (1) wild rivers—free-flowing rivers located within designated units of the national wilderness preservation system or de facto wilderness areas; (2) natural environment rivers—free-flowing rivers the valleys of which have been little changed by man but to which public access is facilitated and along which compatible resource uses may be permitted; (3) pastoral rivers—free-flowing rivers the valleys of which are predominantly used for agriculture and other dispersed human activities which do not substantially interfere with public use of the rivers and enjoyment of their surroundings; and (4) historic and cultural rivers—rivers, including reservoirs, canals, and other manmade structures, which have great historic or cultural significance. In addition, the bill recognizes two types of areas as eligible for inclusion in the national scenic rivers system ordinarily, but not necessarily, as supplements to the above river types. Such areas are (1) unique natural and historic river areas—specific sites along rivers which should be preserved intact because of their scientific, natural beauty, archeological or historic value; and (2) high-density-use areas—sites along or not far removed from rivers which, in order to serve outdoor recreation needs, may involve substantial alteration of the environment.

As the initial components of the National Scenic Rivers System authorized by the Congress, the bill designates segments or tributaries of four rivers and adjacent lands—the Rio Grande (New Mexico), the Rogue (Oregon), the Salmon (Idaho), and the Clearwater (Idaho). Each of these rivers has been carefully studied by this Department and the Department of Agriculture, and is considered to be an outstanding example of the values a National Scenic Rivers

System seeks to preserve. The bill provides for the administration of the rivers as follows: The segments of the Rio Grande by the Secretary of the Interior; the tributaries of the Clearwater by the Secretary of Agriculture; and the segments of the Rogue and Salmon as agreed upon by the two Secretaries, or as directed by the President.

The bill establishes procedures for other rivers and areas to be added to the National Scenic Rivers System. It requires the Secretary of the Interior (1) to study any rivers and areas which he determines are the types specified in the bill as eligible for inclusion in the system, and to submit to the President and the Congress, from time to time, proposals for adding them to the System; and (2) to proceed as expeditiously as possible to study 20 rivers and segments thereof listed in the bill, unless the Governor of the State involved certifies that the State or one of its agencies or political subdivisions will make such study and does in fact pursue the study with diligence.

The bill gives the Secretary of the Interior and the Secretary of Agriculture authority to acquire lands and interests therein within the authorized boundaries of any component of the system which is included in the system by this bill or a subsequent act of Congress and which is under his administration. This authority is subject to certain restrictions, however, in the case of lands owned by Indians or a State, and in the case of lands owned by or within the boundaries of any political subdivision of a State.

All basic scenic river values are dependent upon appropriate stream conditions. In order to maintain an adequate streamflow, the bill provides that the Federal Power Commission will not have authority to license the construction of any dam or other structure on or directly affecting any river included in the system or any of the 20 rivers listed in the bill for future study. The suspension of the Federal Power Commission's licensing authority on the 20 rivers to be studied will be for the 5-year period after the date of enactment of the bill (unless during that time the Secretary determines they are not to be included in the system) and for an additional period in order that the Congress or the Secretary of the Interior may consider adding them to the system.

The bill also prohibits Federal agencies from assisting by loan, grant, or otherwise in the construction of any water resources project on or directly affecting any river included in the system. This prohibition does not apply, however, to grants made under the Land and Water Conservation Fund Act of 1965. In addition, the Federal agencies may not recommend authorization of any water resources project on or directly affecting any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without giving the Secretary of the Interior advance notice and without reporting to the Congress that such construction would conflict with the purposes of this bill. The bill places similar restrictions on Federal agencies in the case of the 20 rivers listed in the bill for future study, and such restrictions continue for the same periods of time as the restrictions on the licensing authority of the Federal Power Commission over such rivers.

The bill expressly continues the applicability of the U.S. mining and mineral leasing laws to the lands included in the System, but makes mining operations and activities on mining claims perfected after

the date of enactment of the bill, as well as such operations and activities under mineral leases, licenses, or permits issued or renewed after inclusion of the lands in the system, subject to regulations needed to safeguard scenic river values. A mining claim perfected after the lands are included in the system, however, will give the mining claimant title only to the mineral deposits, together with the right to make any use of the land surface of such claim as is reasonably required for his mining operations. Subject to "existing vested rights," the bill withdraws the minerals in Federal lands, which are included in the system and which constitute the bed or bank of a river or are situated within one-quarter mile of a river that is designated a wild river by this bill or subsequent act of Congress, from all forms of appropriation under the mining laws and from the operation of the mineral leasing laws. In addition, the bill withdraws the minerals in the Federal lands which constitute the bed or bank, or within one-quarter mile of the bank, of the 20 rivers listed in the bill for study from all forms of appropriation under the mining laws for the same periods of time as the licensing authority of the Federal Power Commission is suspended over such rivers.

Any component of the National Scenic Rivers System that is also located within the National Wilderness Preservation System, the National Park System, or the National Wildlife Refuge System will be subject to both the provisions of this bill and the act or acts governing the respective system, and if there should be a conflict the more restrictive provisions will apply.

The States and local governments will be encouraged to cooperate in the administration of any components of the National Scenic Rivers Systems which include or adjoin State- or county-owned lands.

The maintenance of a high-quality water yield in a river included in the National Scenic Rivers System is affected by upstream developments. The bill therefore requires the head of any agency administering a component of the National Scenic Rivers System to cooperate with the Secretary of the Interior and with appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

Cost estimates for land acquisition for and development of the four rivers and adjacent lands designated by the bill as the initial components of the system will not be available until surveys are made on the ground to establish precise boundaries for these components. We are unable, therefore, to estimate whether the $6,500,000 appropriation authorization in the bill for property acquisition is adequate for these four rivers.

We recommend the following clarifying and perfecting amendments to H.R. 8416:

1. On page 5, line 6, change "SEC. 3." to "SEC. 3(a)"; on line 7, delete "as depicted on the maps hereinafter identified, and"; on lines 12, 20–21, and 25 and on page 6, line 9, delete "(map No.—)"; and on page 6, after line 10, insert the following new subsection:

"(b) The agency charged with the administration of each component of the national scenic rivers system designated by subsection (a) of this section shall establish detailed boundaries therefor as soon as practicable after the inclusion of such component in the system. Such

boundaries may be revised from time to time, but may include on both sides of the river a total of not more than three hundred and twenty acres per mile. Such agency shall publish notice of such detailed boundaries in the *Federal Register*, together with appropriate descriptions."

There are no maps in existence to identify the boundaries of the four river areas designated by the bill as the initial components of the national scenic rivers system. We do not believe it is feasible to identify detailed boundaries for such areas until surveys are made on the ground. The amendment therefore deletes the references in the bill to maps, and provides for the boundaries of the four river areas to be established after the surveys have been made. The amendment envisions that the boundaries generally will not extend to a width of more than 1,320 feet from either side of the river.

2. On pages 5-6, each of the four rivers designated in section 3 of the bill as the initial components of the system is classified according to the types referred to in section 2(b) of the bill. We believe, however, that it is premature for the bill to make such classification in the absence of detailed knowledge of each segment of the rivers. We recommend, therefore, that section 3 of the bill be revised by deleting the reference to the river types and providing that the administering agency will classify the rivers in accordance with section 2(b) of the bill as soon as practicable after they are included in the system. In any event, the reference to "scenic" on page 5, line 14, must be deleted since this is not one of the four types of rivers referred to in section 2(b) of the bill.

3. On page 6, line 16, change "(c) and (d)" to "(b) and (c)".

4. On page 12, line 6, delete the sentence beginning on this line and ending on line 20, and substitute the following sentences:

"Lands owned by an Indian Tribe may be acquired only with the consent of the tribal governing body, and lands owned by a State may be acquired only with its consent. Lands owned by any political subdivision of a State may not be acquired, without the consent of the political subdivision, as long as the political subdivision is following a plan for the management and protection of the lands that the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall be available to Federal departments and agencies for the acquisition of property for the purposes of this Act."

The amendment clarifies the Secretary's land acquisition authority. It deletes the provisions of the printed bill which prevent the Secretary from acquiring lands within the boundaries of any political subdivision of a State, without the consent of the political subdivision, if approved zoning is in effect with respect to such lands. Since all lands would be within the boundaries of counties, the provision could preclude the acquisition of any lands by the administering agency and defeat the purposes of the bill. The amendment also provides that money appropriated for Federal purposes from the Land and Water Conservation Fund may be utilized by the Federal Government for the acquisition of lands for a scenic rivers program, in addition to the programs named in the Fund Act.

5. On page 13, line 5, delete the sentence beginning on this line and ending on line 9, and substitute the following sentence:

"The values of the properties so exchanged either shall be approximately equal, or, if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require."

The amendment conforms the exchange provisions of the bill to those used in all recent national recreation area and seashore bills.

6. On page 14, line 6, change "(49 Stat. 863)" to "(41 Stat. 1063)", and on line 13, delete "on or directly affecting any such river" and substitute "that would have a direct and adverse effect on the values for which any such river was established, as determined by the Secretary charged with its administration or approval".

The language of the printed bill precludes all federally assisted water resource projects constructed on or directly affecting a river designated in section 3 of the bill as part of the national scenic rivers system or hereafter designated for inclusion in that system. Water resources project is a very broad term which includes sewage treatment plants and all of those should not be precluded. The amendment will permit such projects to proceed if the appropriate Secretary finds they would not have a direct and adverse effect on the values for which a river was included in the system.

7. On page 14, line 13, delete the sentence beginning on this line and ending on line 23, and substitute the following sentence:

"At the time any department or agency of the United States recommends authorization of, or requests appropriations to begin construction of, any water resources project that would affect a component of the national scenic rivers system, such department or agency shall report in writing to the Secretary charged with the administration or approval of such component and to the Congress indicating how the project would affect the component and the values to be protected by this Act."

We believe the report of the agency recommending authorization of a water resources project or requesting appropriations for construction thereof should be submitted to the Congress and the appropriate Secretary at the same time, and that such report should discuss the effect of the project on the river and the values to be protected by this bill. The amendment so provides.

8. On page 15, lines 6 and 7, delete "on or directly affecting any such river" and substitute "that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval".

The reason for the amendment is the same as given for amendment number 6.

9. On page 15, line 10, after "Interior," insert "or the Secretary of Agriculture where national forest lands are involved,".

10. On page 15, lines 18 to 24, delete "or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national scenic rivers system, under section 2(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second" and insert "but not to exceed three years".

The amendment deletes the reference to an additional period for rivers recommended to the Secretary of the Interior for inclusion in the system under section 2(a)(ii) of the act since the initial 5-year period does not apply to such rivers.

11. On page 15, line 25, preceding "No" insert the following sentence:

"Upon notification by the Federal Power Commission that an application has been received for a license on or directly affecting any river listed in section 5, subsection (a), of this Act, the Secretary of the Interior or the Secretary of Agriculture where national forest lands are involved shall proceed to complete the study within two years after the receipt of such notice."

The amendment will enable the Federal Power Commission to process license applications filed under the Federal Power Act, as amended, concerning the rivers listed in section 5(a) of the bill without any undue delay.

12. On page 15, line 25, delete the sentence beginning on this line and ending on line 10, page 16, and substitute the following sentence:

"At the time any department or agency of the United States during the periods specified in this subsection recommends authorization of, or requests appropriations to begin construction of, any water resources project that would affect any river listed in section 5, subsection (a), of this Act, such department or agency shall report in writing to the Secretary charged with its study or approval and to the Congress indicating how the project would affect the values to be protected by this Act."

The reason for the amendment is the same as given for amendment number 7.

13. On page 16, line 13, after "Interior" insert ", or the Secretary of Agriculture where national forest lands are involved,".

14. On page 18, line 4, after "(ii)" insert "subject to valid existing rights"; and on line 13, change "existing vested rights" to "valid existing rights".

15. On page 20, line 1, after "by" insert "or pursuant to".

16. On page 21, line 15, change "SEC. 12" to "SEC. 11" and appropriately renumber the succeeding sections of the bill.

17. On page 22, after line 2, insert the following subsection, and on line 3, change "(b)" to "(c)".

"(b) Upon application by the Governor of the State for the designation of the Allagash Wilderness Waterway in Maine or the segment of the Wolf River in Langlade County, Wisconsin, as part of the national scenic rivers system, the secretary of the Interior may make such designation if the State or local agency administering the area agrees to manage and protect it in a manner satisfactory to the Secretary. Such designation shall preclude the Federal Power Commission from licensing the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a *et seq.*), on or directly affecting such rivers."

The States of Maine and Wisconsin are acquiring the lands along these two rivers and developing them for scenic river purposes. We believe they should be given the protection provided by this amendment.

The Bureau of the Budget has advised that there is no objection to the presentation of this report, and that enactment of legislation along

the lines recommended herein would be in accord with the program of the President.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Enclosure.

PRINCIPAL DIFFERENCES BETWEEN H.R. 8416, S. 119, H.R. 90, AND H.R. 6166

1. Types of rivers eligible for inclusion in National Scenic or Wild Rivers System

H.R. 8416 recognizes four types of national rivers—wild, natural environment, pastoral, and historic and cultural—as well as two types of areas adjacent to the national rivers, namely, unique natural and historic, and high-density use.

S. 119 and H.R. 6166 recognize only wild or scenic national river areas.

H.R. 90 recognizes three classes of national scenic river areas, and directs that each river shall be classified and managed according to the degree of wilderness, accessibility by roads, and amount of shoreline development.

H.R. 8416 and H.R. 6166 also permit State or local scenic rivers to be added to the system under certain conditions.

2. Rivers designated as initial units of system

H.R. 8416 designates segments of four rivers—Rogue, Oreg.; Rio Grande, N. Mex.; Salmon, Idaho; and Clearwater, Idaho.

S. 119 designates segments of seven rivers—the four designated by H.R. 8416, and three additional ones—Eleven Point, Mo.; Cacapon, W. Va.; and Shenandoah, W. Va.

H.R. 6166 designates segments of nine rivers—the seven designated by S. 119 and two additional ones—Wolf, Wis.; and St. Croix, Minn. and Wis.

H.R. 90 designates segments of 16 rivers—the nine designated by H.R. 6166 and seven additional ones—Klamath, Calif.; Skagit, Wash.; Hudson, N.Y.; Green, Wyo.; Missouri, Mont.; Flathead, Mont.; and Suwannee, Ga. and Fla.

3. Method of designation of boundaries

H.R. 8416, H.R. 90, and S. 119 designate the boundaries of the national scenic river areas by reference to certain maps referred to in the bills.

H.R. 6166 uses the concept of a narrow ribbon for the national scenic river areas; that is, it provides that such areas may include not more than a total of 320 acres per mile, with detailed boundaries to be established as soon as practicable after the enactment of the bill.

4. Rivers specifically mentioned for study as potential additions to system

H.R. 8416 lists 20 rivers; S. 119 lists 17 rivers; H.R. 6166 lists 35 rivers; and H.R. 90 lists 66 rivers. (See page 4 for listing of rivers.)

H.R. 8416 requires detailed studies of the rivers to be considered for addition to the system, including potential alternative uses of the rivers. It also requires the preparation of comprehensive study reports

similar to those prepared for Corps of Engineer projects, and for the printing of such reports as Senate or House documents.

S. 119, H.R. 90, and H.R. 6166 contain similar provisions—each provides for Federal-State planning for additions to the system.

5. Restrictions on acquisition of lands by condemnation proceedings

H.R. 8416 precludes the condemnation of lands within the boundaries of any political subdivision of a State, without the consent of the political subdivision, if the lands are subject to approved zoning, whereas the remaining bills only preclude the condemnation of lands subject to approved zoning that are within incorporated cities, villages, or boroughs.

S. 119 precludes condemnation of lands or interests therein (other than scenic easements), without the owner's consent, where 50 percent or more of the wild river area is in public ownership; none of the other bills contains such a provision. Where less than 50 percent of the area is in public ownership, S. 119 limits condemnation of a fee title to not more than 300 feet on either side of the river, and condemnation of less than fee title to not more than 1,320 feet on either side of the river.

H.R. 90 limits condemnation of a fee title to not more than 1 mile on either side of the river, and condemnation of a less than fee title to not more than 2 miles on either side of the river.

H.R. 6166 generally limits the acquisition of a fee title, by condemnation of any other method, on both sides of the river to a total of not more than 100 acres per mile.

6. Applicability of U.S. mining and mineral leasing laws

All of the bills continue the applicability of such laws, except that mining activities on mining claim perfected after the date of the act and on mineral leases issued after the date of the act will be subject to appropriate regulations. In addition, all of the bills except S. 119 provide that mining claim perfected after the date of the act will give the mining claimant title only to the mineral deposits in the claim, together with the right to use the land surface.

H.R. 8416 is the only bill which withdraws the mineral in Federal lands, which constitute the bed or bank of a river included in the system by act of Congress or which are within one-quarter mile of such river, from the operation of the mining and mineral leasing laws. H.R. 8416 is also the only bill which withdraws, for not more than an 8-year period, the minerals in the Federal lands adjacent to the rivers specifically listed in the bill for further study.

7. Restrictions on authority of the Federal Power Commission

Unless specifically authorized by Congress, H.R. 6166 precludes the Federal Power Commission from licensing new dams or project works unrelated to an existing project in any national scenic rivers area.

H.R. 90 provides that no dam or other project works shall be constructed, operated, or maintained in any designated national scenic river area or in certain river areas to be studied for such designation, unless specifically authorized by the Congress.

H.R. 8416 would prevent the licensing of dams or other project works on or directly affecting any rivers designated as part of the system. Additionally, H.R. 8416 precludes Federal agencies from

assisting by loan, grant, or otherwise any water resource projects on or directly affecting any such river. H.R. 8416 also provides similar protection for the rivers specifically listed in the bill for future study.

8. Appropriation authorization for acquisition of property

H.R. 6166, H.R. 90, and S. 119 authorize the appropriation of such sums as may be necessary. H.R. 8416 authorizes the appropriation of not more than $6,500,000 for the acquisition of lands and interests therein.

9. National wild or scenic rivers review board

S. 119 creates a national wild rivers review board to conduct studies and furnish reports to the Congress on the developments on each wild river. The board consists of the Secretaries of Interior, Agriculture, Army, the Chairman of the Federal Power Commission, and involved State Governors. None of the other bills contains such a provision.

H.R. 8416

Cacapon, W. Va.
Chattooga, N.C., S.C., and Ga.
Delaware, Pa., and N.Y.
Eleven Point, Ark., and Mo.
Flathead, Mont.
Gasconade, Mo.
Green, Wyo.
Guadalupe, Tex.
Illinois, Oreg.
Klamath, Calif.
Niobrara, Nebr.
Penobscot, Maine
Pere Marquette, Mich.
Pine Creek, Pa.
St. Croix, Minn. and Wis.
Shenandoah, W. Va.
Skagit, Wash.
Susquehanna, N.Y. and Pa.
Suwannee, Ga., and Fla.
Upper Iowa, Iowa

S. 119

Buffalo, Tenn.
Green, Wyo.
Hudson, N.Y.
Missouri, Mont.
Niobrara, Nebr.
Skagit, Wash.
Susquehanna, N.Y. and Pa.
Wolf, Wis.
Suwannee, Ga., and Fla.
Youghiogheny, Md. and Pa.
Little Miami, Ohio
Little Beaver, Ohio
Pine Creek, Pa.
Delaware, Pa. and N.Y.
Allegheny, Pa.
Clarion, Pa.
W. Branch Susquehanna, Pa.

H.R. 6166

Animas, Colo.
Big Fork, Minn.
Big Hole, Mont.
Buffalo, Tenn.
Chattooga, N.C., S.C., and Ga.
Delaware, N.Y. and Pa.
Deschutes, Oreg.
Feather, Calif.
Flathead, Mont.
Gasconade, Mo.
Gila, N. Mex.
Green, Wyo.
Gros Ventre, Wyo.
Guadalupe, Tex.
Klamath, Calif.
Madison, Mont.
Manistee, Mich.
Mullica, N.J.
Niobrara, Nebr.
Penobscot, East and West Branches, Maine
Pere Marquette, Mich.
Pine Creek, Pa.
Potomac, South Branch, W. Va.
Salmon (Riggins to mouth), Idaho
Salt, Ariz.
Shenandoah, Va.
Skagit, Wash.
Snake, North Fork, Idaho
Susquehanna, N.Y. and Pa.
Suwannee, Ga. and Fla.
Upper Iowa, Iowa
Wacissa, Fla.
White, Colo.
Wind, Wyo.
Yellowstone, Mont.

Buffalo, Tenn.
St. Croix (Lower), Wis. and Minn.
Niobrara, Nebr.
Susquehanna, N.Y. and Pa.
Allegheny, Pa. and N.Y.
Big Blue, Ind.
Little Miami, Ohio
Little Beaver, Ohio
Pine Creek, Pa.
Delaware, Pa. and N.Y.
Clarion, Pa.
West Branch Susquehanna, Pa.
Little Tennessee, Tenn.
Buffalo, Ark.
Colorado, Utah, Colo., Ariz., Nev., and Calif.
Columbia, Mont., Wash., Idaho, and Oreg.
Animas, Colo.
Ausable, N.Y.
Big Fork, Minn.
Big Hole, Mont.
Black Warrior, Ala.
Blackfoot, Mont.
Cache la Poudre, Colo.
Cheat, W. Va.
Connecticut, N.H.
Cumberland, Tenn. and Ky.
Deschutes, Oreg.
Feather, Calif.
French Broad, N.C. and Tenn.
Gasconade, Mo.
Gila, N. Mex.
Greenbrier, W. Va.
Gros Ventre, Wyo.
Guadalupe, Tex.
Hoh, Wash.
James, Va.
Kern, North Fork, Calif.
Linville, N.C.
Little Wabash, Ill.
Madison, Mont.
Manistee, Mich.
Methow, Wash.
Mullica, N.J.
Namekagon, Wis.
Oklawaha, Fla.
Penobscot, East and West Branches, Maine.
Pere Marquette, Mich.
Potomac, Md., Pa., W. Va., and Va.
Queets, Wash.
Sacramento, Calif.
St. Joe, Idaho.
Salt, Ariz.
San Juan, Utah and N. Mex.
Savannah headwaters, Georgia and North Carolina.
Shenandoah, Va.
Smith, Calif.
Snake, North Fork, Idaho.
Tangipahoa, La.
Teton, Idaho and Wyo.
Upper Iowa, Iowa
Wacissa, Fla.
Wapsipinicon, Iowa
White, Colo.
Wind, Wyo.
Yellowstone, Mont. and Wyo.
Youghiogheny, Md. and Pa.

THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT,
Washington, D.C., August 21, 1967.

Subject: H.R. 90, 403, 3996, 6166, 6588, 8416, Scenic Rivers; H.R. 752 753, 3389, 3983, 6289, St. Croix National Scenic Riverway; H.R. 6373, Wolf River; H.R. 7020, Buffalo River.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of this Department on the above subject bills. Each of these bills is concerned with either (1) establishing a nationwide system of scenic rivers or, (2) establishing portions of particular rivers as national scenic river areas. H.R. 8416, a bill to provide for a national scenic rivers system, and for other purposes, is typical of both categories mentioned above.

This bill lists four types of rivers as eligible for inclusion in the national scenic rivers system: wild rivers, natural environment rivers, pastoral rivers, and historic and cultural rivers. The bill also lists certain types of land areas which would be eligible for inclusion in the system. Ordinarily, but not necessarily, such areas would be acquired as a supplement to one of the types of "national scenic rivers" described in the bill.

After a river, or a portion of a river, has been designated a component of the national rivers system, the Federal Power Commission is denied authority to license the construction of any dam or other project on or directly affecting it and no Federal department or agency may assist by loan, grant, or otherwise in the construction of any water resources, project on or directly affecting such a river.

The Secretary of Interior would be required to study potential additions to the national rivers system and from time to time should submit to the President and Congress reports on any recommended additions which would be administered, wholly or partially, by an agency of the United States. Prior to their submission, such reports would be submitted for comment to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission and to any other affected Federal department or agency. Any recommendations or comments made on the report, together with the Secretary of Interior's comments thereon, would also be submitted to the President and Congress. An alternative method for designating a national scenic river would be on application of the State or States involved. The Secretary of Interior may approve for inclusion in the national system any qualified river designated a "scenic river" by a State legislature. Prior to any decision, the Secretary of Interior would be required to request and consider the comments and recommendations of the Federal departments and agencies mentioned above. If the Secretary of Interior approves the proposed inclusion he would publish notice thereof in the Federal Register.

The differences between H.R. 8416 and the other bills listed above seem mainly to relate to (1) the procedures to be followed in designating national scenic rivers and (2) the listing of specific rivers for designation as "scenic rivers" or for study by the Secretary of the Interior for possible later designation. This Department is in general accord with the goals sought to be achieved by these bills. It would, however, defer to the Departments of Agriculture and Interior as to their relative merits since these Departments would have direct responsibility for administering the Scenic Rivers System.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ROBERT C. WEAVER.

FEDERAL POWER COMMISSION,
Washington, D.C., March 7, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of April 17, 1967, for a report on the following group of bills relating to scenic rivers: H.R. 90 (Saylor) and an identical bill, H.R. 493 (Dingell); H.R. 3996 (Reuss); H.R. 6166 (Reuss) and a similar bill, H.R. 6588 (Anderson of Tennessee); and H.R. 8416 (Aspinall).

We enclose our report in depth on H.R. 8416. The views of the Commission therein stated, in general, apply to the other bills enumerated above. As you will note, the report endorses an amendment proposed

by the Secretaries of Interior and Agriculture under which the licensing moratorium can be shortened from 5 years to 2 years when the Commission receives an application affecting a river while it is under study.

We are also attaching for the information of the committee tabulations like those submitted with our report on H.R. 8416, listing existing and potential hydroelectric developments on the rivers described by the other bills in the group.[1]

For the reasons explained in the Commission's report on H.R. 8416, we recommend that the pertinent provisions of the other bills be amended, where appropriate, to require approval by Congress for all State-established or administered river areas which are added to the wild and scenic rivers system, and also to define more clearly the Commission's licensing jurisdiction in relation to the system. With respect to the latter point, we urge that the following provision be incorporated in section 7(a) of H.R. 8416 and in applicable sections of the other scenic rivers bills. This language was approved by the Senate in section 6(a) of S. 119, which is also before your committee:

Except as specifically authorized by the Congress, the Federal Power Commission shall not authorize the construction, operation, or maintenance in any national wild or scenic river area of any dam or other project work under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.): *Provided*, That the provisions of that Act shall continue to apply to any project, as defined in that Act, already constructed or under license to be constructed.

This provision also should be followed with respect to the various bills dealing with individual scenic rivers included in you request, viz., H.R. 752, 753, 3389, 3983, 6289 (St. Croix); H.R. 6373 (Wolf); and H.R. 7020 (Buffalo).

The Bureau of the Budget advises us that there would be no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

LEE C. WHITE, *Chairman.*

Enclosure No. 24223.

FEDERAL POWER COMMISSION, REPORT ON H.R. 8416—90TH CONGRESS

A Bill To provide for a national scenic rivers system, and for other purposes

H.R. 8416 would be known as the "National Scenic Rivers Act of 1967." As set out in section 1 of the bill, it is designed to implement a national policy of preserving selected rivers[2] in their free-flowing condition for the purpose of protecting "outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values" of such rivers and their immediate environments for the benefit and enjoyment of present and future generations.

Section 2 of the bill describes the various types of rivers that may qualify for inclusion as components of the projected National Scenic Rivers System. They include (1) river areas in which a true wilderness environment should be preserved; (2) those in which natural

[1] Committee Note: For tabulations, see p. 177 of printed hearings, serial 90-22, before the Subcommittee on National Parks and Recreation, House of Representatives.

[2] The term "river" is defined in the bill as meaning a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, small lakes, and man-made waterways.

values should be preserved compatibly with permitting other resource uses; (3) those in which the continuation of predominantly agricultural and other forms of dispensed human activities should be permitted consistently with enjoyment of scenic river values; and (4) those rivers which should be protected because of their unusual historical or cultural significance. In addition, rivers in areas having unique natural beauty, archeological or historic remains, value for scientific study, or high use for outdoor recreational needs may be considered.

Section 3 of the bill would designate four segments of rivers for initial inclusion in the scenic rivers system, and section 5(a) names 20 additional rivers for future study as possible additions to the system in accordance with the procedures set out in the bill. The Secretary of the Interior would be responsible for submitting recommendations to the President and the Congress with respect to the inclusion of these rivers as federally or partially federally administered components of the national scenic rivers system. Before submitting any such proposal to the President and the Congress, the Secretary would be required to submit his proposed report to the Federal Power Commission and other interested Federal agencies for comment. All agency recommendations or comments thus furnished to the Secretary must be transmitted by him to the President and the Congress with any report which he submits. Consequently, the recommended addition of a federally administered area to the scenic rivers system could be effectuated only by an act of the Congress which would have the benefit of the views and recommendations of all concerned Federal agencies before it acted on the particular proposal.

Under section 2(a) (ii), scenic rivers could also be designated by acts of the legislatures of the State or States through which the streams flow, provided the proposals are approved by the Secretary of the Interior. Such an area would be permanently administered as a scenic river by the State or States concerned, and before giving his approval to such an arrangement, the Secretary would be required to submit the proposal for comments to the interested Federal agencies, including the Federal Power Commission. This section of the bill further directs him to "evaluate and give due weight" to any recommendations or comments furnished by such agencies. If the Secretary approves the proposal, he would be required to publish a notice thereof in the Federal Register, but no act of Congress would be needed in order for the proposal to become effective.

Section 7(a) provides that the Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, on or directly affecting any river designated or hereafter designated for inclusion in the Scenic Rivers System. This licensing prohibition would be applicable to all components of the system, including any State-administered areas added with the Secretary of the Interior's approval.

Section 7(b) would impose a moratorium on Federal Power Commission licensing for periods up to 8 years applicable to the 20 rivers listed in section 5(a), in order to afford the Secretary of the Interior and the Congress time to process and act upon the studies of such

rivers for possible additions to the scenic rivers system. Section 7(c) would further require the Commission to notify the Secretary of the Interior immediately upon passage of the bill of any proceedings affecting the rivers during the study periods.

The Commission believes that the maintenance in their natural state of selected segments of the Nation's rivers is a desirable means of preserving our national heritage, and we accordingly endorse the purposes of this legislation. In considering previous bills on this subject the Commission has taken the position that the selection of particular areas for inclusion in a wild or scenic rivers system necessarily involves, and will continue to involve, a balancing of public policy objectives. Such goals include the multipurpose development of the water resources of the Nation's rivers for flood control, navigation, irrigation, power production, water quality control, protection of fish and wildlife, and enhancement of any recreational potential afforded by such multipurpose river development, as compared with the existing values which are retained by the preservation of such rivers in a free-flowing condition with the attendant public benefits, including conservation of fish resources and preservation of scenic assets and historical features.

We are convinced that these diverse public interest factors can be accommodated under the comprehensive multipurpose standards set by the Federal Power Act, to the extent applications for hydroelectric power projects are presented. Consequently, we do not believe that the uses of any major river, particularly those having significant hydroelectric possibilities, should be limited without a careful study to support such a course of action. The possibility of comprehensive multipurpose development of the Nation's water and related land resources must receive the most careful deliberation.

Our review of H.R. 8416 indicates that the river segments named in sections 3 and 5(a) contain substantial amounts of developed and undeveloped hydroelectric power capacity and possibly some pumped storage capabilities which the Congress may wish to consider in its deliberations on the bill. We are attaching for the information of the committee a tabulation (table A) listing in detail the existing and potential hydroelectric developments on the stretches of rivers described in the bill. The amounts of hydroelectric power involved are summarized below.

DEVELOPED OR UNDER CONSTRUCTION

	Section of bill		Totals
	3	5(a)	
Number of streams	4	20	24
Number of plants		20	20
Installed capacity, kilowatts		106,946	106,946
Annual generation, million kilowatt-hours		488	488

UNDEVELOPED

	Section of bill		Totals
	3	5(a)	
Number of plants	25	53	78
Installed capacity, kilowatts	3,085,900	3,462,700	6,548,600
Annual generation, million kilowatt-hours	10,873	10,276	21,149

With one exception, the capacity and annual generation listed in the attached table includes only conventional hydroelectric installations. One-half of the potential capacity of 240,000 kilowatts at the Edes Fort, W. Va., site would be in reversible units. Pumped storage sites may be available within the designated portions of other rivers and studies may show that additional capacity in reversible units would be justified for installation at some of the undeveloped sites.

There are no existing hydroelectric projects and no licensing proceedings are pending in the Commission with respect to the four rivers listed for initial scenic river designation by section 3 of H.R. 8416. A summary is attached (table B) showing the licensing status of existing projects on the rivers listed for study in section 5(a) of the bill. The Commission has no outstanding preliminary permits or applications pending for projects to utilize the undeveloped power potentials at any of the sites located on these rivers.

If the bill is amended as described below, we believe that the consultative, review, and authorization procedures spelled out in H.R. 8416 would provide a sound and workable method for establishing a national scenic rivers system that will carry out the policy objectives of the bill consistently with the scheme for comprehensive water resources development prescribed in the Federal Power Act.

The Commission recommends (1) that section 4(c) be amended to require scenic rivers designated by agreements with the States to also be approved by acts of Congress in the same manner as federally administer additions to the scenic rivers system must be approved, (22) that section 7(a) be amended to clearly preserve the Commission's licensing jurisdiction over existing projects in scenic river areas, and to enable the Commission to license a new project in such an area when it is specifically authorized to do so by an act of Congress, and (3) that section 7(b) be modified to provide that the moratorium period applicable to Federal Power Commission licensing actions on a river while it is under study for possible inclusion in the system shall be reduced from 5 years to 2 years upon notification by the Commission to the Secretary of the Interior or the Secretary of Agriculture, as the case may be, that the Commission has received a license application affecting such river. Our reasons and specific proposals in support of the foregoing recommendations are outlined as follows.

Under section 4(c), the Secretary of the Interior, after interagency consultation, can enter into an agreement with a State for the administration by such State of a scenic river area thus designated by an act of the State legislature. As defined in section 2(a)(ii) of the bill, such a State-designated area would be deemed an integral part of the national scenic rivers system, subject to all of the restrictions of the National Scenic Rivers Act, including the prohibition against licensing under the Federal Power Act. Consequently, it appears logical that the inclusion of such an area in the system should be sanctioned by an act of Congress in order to assure full consideration of the benefits as well as the alternative uses of the particular area. In this connection it is our view that any major policy decisions limiting the use of such an area and possibly foreclosing multipurpose development of its resource potentials should ultimately be made by the Congress. We therefore recommend that the bill be amended accordingly to provide for congressional approval for the inclusion of

State-administered rivers in the scenic rivers system. Another related bill on this subject which is also pending before the committee (H.R. 3996, 90th Congress) calls for congressional approval of any such acquisitions to the system.

We believe that section 7(a) should be modified to clearly spell out the authority of Congress to authorize the Commission to license future developments on scenic rivers by special legislation, and also to preserve the licensing jurisdiction of the Commission over existing projects on such rivers. In this regard we point to the example of the act of March 3, 1921 (41 Stat. 1353), which eliminated Federal Power Commission licensing within the limits of any national park or national monument as a preferable means of accomplishing the objectives of this bill once Congress has determined that a segment of a river should be dedicated to scenic river purposes and subjected to a general restriction on hydroelectric licensing.

The Commission believes that the following substitute language would effectuate the foregoing suggested changes and also be consistent with objectives of the legislation in protecting wild and scenic river values.

SEC. 7. (a) Except as specifically authorized by the Congress, the Federal Power Commission shall not authorize the construction, operation, or maintenance in any component of the national scenic rivers system of any dam or other project work under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.) : *Provided however*, that the provisions of that Act shall continue to apply to any project, as defined in that Act, already constructed or under license to be constructed.

This would enable the Commission in the case of the existing projects listed in table B (whether licensed or yet to be licensed) to require a licensee to so operate and maintain its project facilities, to construct or reconstruct licensed project works, or adopt any other measures necessary to secure or accommodate other beneficial public purposes, including the conservation, development, and utilization of the water and related land resources for navigation, flood control, irrigation, power generation, water quality control, preservation of scenic and historic assets, protection of fish and wildlife, and enhancement of recreational features, or any other potential values. In cases where the structure already exists upon a scenic river, Commission regulatory jurisdiction over the project could serve as an effective tool to advance the purposes of the bill.

Of course, before the Commission could authorize or require any such redevelopment or other action by a licensee the Commission would have to be able to find under section 4(e) of the Federal Power Act that such redevelopment or other action would not interfere or be inconsistent with the purposes for which the scenic river area reservation was created or acquired. Hence, if the Commission lacked a factual basis for such a finding it could not authorize the particular redevelopment or other action with respect to an existing project or development. Furthermore, in considering an application for license for any existing project works in a scenic river area, the Commission has authority to deny the application in the event the project does not meet the standards of the Federal Power Act. Under that circumstance, the owner could be required to remove the project works.

The third amendment which we endorse calls for a modification of the licensing moratorium which would be imposed on the Commission by section 7(b) of the bill while the scenic assets and potentials of the rivers designated in section 5(a) are being studied.

We understand that the Departments of the Interior and Agriculture in the reports they submitted to your committee on H.R. 8416 and related bills recommend an amendment which in effect would reduce the study period from 5 to 2 years in the event a license application for a project on or affecting a particular river is filed with the Federal Power Commission within 3 years after a study of such river is initiated. To implement this change, the following sentence would be inserted on page 15 of the bill, line 25, preceding the word "No": Upon notification by the Federal Power Commission that an application has been received for a license on or directly affecting any river listed in section 5, subsection (a), of this Act, the Secretary of the Interior or the Secretary of Agriculture where national forest lands are involved shall proceed to complete the study within two years after the receipt of such notice.

As we interpret this language, the Secretary would have 2 years from the notification by the Commisison in which to complete his study and recommend inclusion in the national scenic rivers system. If the Secretary so recommends within the 2-year period, the Commission could take no final action to license a project during the period of congressional consideration, of up to 3 years, prescribed by section 7(b)(ii). If the Secretary failed to act within the 2-year abbreviated study period, or prior to the expiration of such period concluded that the river should not be included in the system, the Commission would be free to issue a license.

The Secretary of Interior's report states that the amendment is intended to enable the Commission to process without any undue delay such applications as may be filed concerning the rivers in the section 5(a) study group. We understand therefore that nothing in the bill or the amendment would preclude the Commission from processing an application and investigating or holding hearings upon a proposed project during the study and congressional moratorium periods prescribed therein, so long as it took no definitive action to issue a license.

Licensing moratoriums in the past usually have been prompted by the fact that there were licensing actions pending before the Commission which would have conflicted with specific legislative proposals then under active consideration by the Congress to authorize Federal development or use of the resources of the particular power sites involved for other purposes. In the case of the 20 rivers which would be authorized for study under H.R. 8416, the Commission, as pointed out above, has no licensing matters pending which affect these rivers. In these circumstances, there would as a practical matter seem to be no serious objection to imposing an FPC licensing moratorium, provided the bill makes clear the status of any applications affecting such rivers which may be filed while they are being studied. The amendment to section 7(b) set out above will accomplish this result.

The Commission believes that this amendment would be compatible with the basic precept of the Federal Power Act and would further the objectives of H.R. 8416 by assuring full consideration of scenic factors in water resources programs. The amendment would not in our

judgment unduly delay the processing of licensing matters under the Power Act and we accordingly concur with the Department of the Interior and the Department of Agriculture in recommending its adoption.

In conclusion, the Commission supports the objectives of this legislation and we would have no objection to the enactment of H.R. 8416 if the bill is amended along the lines described herein (1) to require State-established components of the National Scenic Rivers System to be approved by acts of Congress, (2) to preserve the licensing jurisdiction of the Federal Power Commission over existing projects on scenic rivers established thereunder and also to permit it to license further developments on such rivers when specifically authorized to do so by act of Congress, and (3) to require any studies of rivers for possible future inclusion in the system to be completed within 2 years after notification that an application for license affecting such a river has been filed with the Federal Power Commission.

LEE C. WHITE,
Chairman.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 8, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This supplements our report of August 14, 1967, to your committee on H.R. 8416 and similar bills relating to the establishment of a National Scenic Rivers System.

In addition to the amendments to H.R. 8416 recommended in our August 14 report, we recommend the following amendments:

1. On page 9 beginning on line 24 and continuing on to line 3 of page 10, delete the words "The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon;".

2. On page 6, after line 4, add to section 3 the following new subsection:

"(5) Saint Croix, Wisconsin and Minnesota:

That segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from its confluence upstream with the Saint Croix to the dam near Trego, Wisconsin, to be administered by the Secretary of the Interior as a wild river (map numbered _____): *Provided*, That the Secretary may enter into a cooperative agreement with the Northern States Power Company whereby the Company (a) agrees to convey to the United States, without monetary consideration, its right, title, and interest to a total of not more than 320 acres per mile on both sides of the river within the external boundaries of the wild river area between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, reserving the right to use and develop so much of such lands in a manner compatible with the purposes and objectives of this Act, as determined by the Secretary, and (b) pro-

vides for the use and development of other lands it owns adjacent thereto in a manner which shall complement and assist in achieving the purposes and objectives of this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (e) of section 10 of this Act."

The effect of the first amendment is to take the segment of the St. Croix above Taylors Falls, Minn., out of the study category contained in section 5 of the bill.

Pursuant to the second amendment, the upper part of the St. Croix, from Taylors Falls to Gordon, Wis., would be designated a wild river.

The second amendment also provides for a cooperative agreement between the Secretary of the Interior and the Northern States Power Co. One part of the agreement will provide for the company to convey to the United States, without monetary consideration, a strip of land totaling not more than 320 acres per mile on both sides of the river between Taylors Falls, Minn., and Big Island, Wis. The company would retain under its deed to the United States the right to undertake some or all of the management or operational responsibility with respect to the land conveyed to the United States.

If the proposed language is adopted, this authority could make possible substantial savings in both costs of land acquisition and administration.

Lastly, the company presently owns lands adjacent to the lands which will be conveyed to the United States under the proposed amendment. Under the cooperative agreement the land now owned by the company and not conveyed to the United States will be used and developed by the company in a manner consistent with the purposes of the act.

It is anticipated that the Secretary will provide technical assistance to the company in developing the lands it presently owns which will not be deeded to the United States.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends enactment of H. R. 18260.

SEPARATE VIEWS OF HON. SAM STEIGER

I do not support the establishment of a national scenic rivers system in accordance with the provisions of H.R. 8416, as amended. I am, therefore, opposed to the bill.

This opposition should not be construed as being unsympathetic with the stated policy and objectives of the legislation. The conservation of the values sought by this legislation are meritorious. However, preservation of these values should not be permitted to seriously jeopardize the future water resource development of this Nation.

The provisions of H.R. 8416, as amended, provides potentially, that every river in the United States may be eligible for inclusion in a national scenic rivers system. Such language is as follows:

> Every scenic river in its free-flowing condition, *or upon restoration* (emphasis added) to this condition, shall be eligible for inclusion in the national scenic rivers system * * *.

This legislative approach to the water resources of this Nation appears to be much too broad in scope if the waterways of this Nation are "to be permanently administered as scenic rivers," to the detriment of future water needs and development.

Testimony before the committee alleged a great urgency in the enactment of this legislation. I cannot accept this plea of urgency after weighing the testimony before the committee against the background of this legislative proposal.

In 1962, the report of the Outdoor Recreation Resources Review Commission to the President contained the following recommendations:

> Recommendation 13-2: Public agencies should promote and maintain the suitability and attractiveness of water areas for outdoor recreation activity.

The Commission further stated that action to achieve this objective included that,

> Certain rivers should be preserved in their free-flowing condition and natural setting.

The basis for this recommended action, the Commission stated, was the result of a 1961 study conducted by the Senate Select Committee on National Water Resources.

From these statements the urgency of creating a national scenic rivers system was born.

In 1963, the Secretary of the Interior and the Secretary of Agriculture, jointly, began to investigate further the need, criteria, and methods of instituting a nationwide system of wild rivers. Testimony before the committee indicates that this joint effort involved more than 650 rivers. Of this total 67 were selected for preliminary field study. Out of the 67 rivers selected for field study, 22 rivers, or segments thereof, were selected for more detailed investigation and study.

This background now serves as the basis for the provisions of H.R. 8416, as amended, which by its terms provides that every river in the United States "in its free-flowing condition, or upon restoration to this condition shall be eligible for inclusion in the National Scenic Rivers System."

It is most interesting to note that after the joint effort of the Secretary of the Interior and the Secretary of Agriculture which screened 650 rivers, 67 of which received field study and 22 of which received detailed investigation, that the provisions of H.R. 8416, as amended, contain language which may potentially include every river in the United States. The testimony before the committee fails to indicate what rivers were classed on the basis of the joint secretarial effort as unsuitable for inclusion in a National Scenic Rivers System.

Apparently these joint studies were inconclusive because section 5(a) of H.R. 8416, as amended, sets forth 28 rivers or segments thereof which the Secretary of the Interior and the Secretary of Agriculture are directed to study for addition to the proposed National Scenic Rivers System.

At the present time, the number of executive departments and agencies engaged in the study of the Nation's water resources are too numerous to mention in these views. Suffice it to say that a last-minute amendment by the committee attempted to coordinate the studies and planning involved in H.R. 8416, as amended, with the Water Resources Planning Act (Public Law 89–80) the purpose of which is the inventory and evaluation of the Nation's water resources, river by river, State by State, for the optimum development and coordinated planning of water and related land resources. During this 90th Congress, both Houses have also passed legislation to establish a National Water Commission, the purpose of which is to provide for a comprehensive review of national water resource problems and programs.

Both of these acts contemplate comprehensive studies before further action is taken regarding the Nation's water resources. The permanent administration of a scenic river in its free-flowing condition or the restoration of any river to a scenic and free-flowing condition involves considerations far beyond the scope of H.R. 8416, as amended. Legislation proposing the establishment of a National Scenic Rivers System should rest on the conclusions of the comprehensive studies provided for in the Water Resources Planning Act and the proposed National Water Commission review.

A most objectionable feature of H.R. 8416, as amended, is the provision which provides for the "lockup" of rivers by the States pursuant to an act of the legislature of the State concerned or the certification by the Governor that a State agency or political subdivision is prepared to study the river for possible inclusion in the National Scenic Rivers System.

H.R. 8416, as amended, section 5(c) provides that:

> No study otherwise required by this section shall be undertaken or pursued in the case of any stream or section of a stream which the Governor of the State in which it is located certifies the State or one of its agencies or political subdivisions is prepared to study for the purpose of determining whether it should be proposed for inclusion in the National

> Scenic Rivers System so long as the State or one of its agencies or political subdivisions does in fact pursue said study with diligence.

Such a provision permits any State to lock up its rivers in a study category which, without question, seriously jeopardizes the future of water resource development, and in particular creates havoc with presently completed studies and future comprehensive studies as provided for in the Water Resources Planning Act and the proposed National Water Commission Act. The provision of section 5(c) of H.R. 8416, as amended, can also render legislation recently passed by the House providing for the study of large-scale importation of water a nullity.

Another objectionable feature of H.R. 8416, as amended, concerns the total Federal costs of this legislation. The bill authorizes the appropriation of $17,340,000 for the acquisition of lands and interests in lands for the six initial components of the National Scenic Rivers System. It should be understood that four of the six initial components proposed for inclusion in the system involve public lands already owned by the United States. In light of this fact the need for a reappraisal of the Federal costs of this legislation becomes all too apparent.

The figure of $17,340,000 does not include plans for necessary developments in connection with the administration of each of the initial components of the system.

The figure of $17,340,000 does not include the costs of the studies and reports to be executed under the provisions of H.R. 8416, as amended. Section 5(a) directs the study of 28 rivers or segments thereof for possible addition to the National Scenic Rivers System. Testimony before the committee estimated that each study would cost an average of $50,000. Section 5(a) would involve on that basis an additional Federal expenditure of $1,400,000.

H.R. 8416, as amended, also provides that the boundaries for the components of the National Scenic Rivers System shall include an average of not more than 320 acres per mile on both sides of the river. This approach has already increased the value of river lands throughout the United States by an undeterminable percentage, not to mention the cloud which this legislation places upon the title to lands abutting the rivers of the United States. This increased value of river abutting lands can only be partially reflected in the costs of acquiring lands and interests in land through the exercise of eminent domain as provided for in this legislation.

Under the guise of protecting scenic values, this legislation will stifle progress, inhibit economic development and incur a staggering expenditure, an expenditure that has been impossible to accurately estimate.

For the reasons expressed in these views, I am opposed to the enactment of H.R. 8416, as amended.

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Union Calendar No. 659

90TH CONGRESS
2D SESSION

H. R. 18260

[Report No. 1623]

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 1968

Mr. SAYLOR (for himself, Mr. ASPINALL, Mr. BURTON of California, Mr. BURTON of Utah, Mr. EDMONDSON, Mr. FOLEY, Mr. HANSEN of Idaho, Mr. HOSMER, Mr. JOHNSON of California, Mr. KASTENMEIER, Mr. KAZEN, Mr. KEE, Mr. KUPFERMAN, Mr. KYL, Mr. MCCLURE, Mr. MORTON, Mr. POLLOCK, Mr. REINECKE, Mr. RYAN, Mr. TAYLOR, Mr. TUNNEY, Mr. UDALL, and Mr. WHITE) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

JULY 3, 1968

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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A BILL

To provide for a national scenic rivers system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "National Scenic Rivers Act of 1968".

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-

1 flowing condition, and that they and their immediate en-
2 vironments shall be protected for the benefit and enjoyment
3 of present and future generations.

4 (c) The purpose of this Act is to implement this policy
5 by instituting a national scenic rivers system, by designating
6 the initial components of that system, and by prescribing the
7 methods by which and standards according to which addi-
8 tional components may be added to the system from time to
9 time.

10 SEC. 2. (a) The national scenic rivers system shall
11 comprise rivers (i) that are authorized for inclusion therein
12 by Act of Congress, or (ii) that are designated as scenic
13 rivers by or pursuant to an act of the legislature of the State
14 or States through which they flow, that are to be permanently
15 administered as scenic rivers by an agency or political sub-
16 division of the State or States concerned without expense to
17 the United States, that are found by the Secretary of the
18 Interior, upon application of the Governor of the State or the
19 governors of the States concerned, or a person or persons
20 thereunto duly appointed by him or them, to meet the criteria
21 established in this Act and such criteria supplementary
22 thereto as he may prescribe, and that are approved by him
23 for inclusion in the system, including, upon application of the
24 Governor of the State concerned, the Allagash Wilderness

1 Waterway, Maine, and that segment of the Wolf River,
2 Wisconsin, which flows through Langlade County.
3 (b) A scenic river area eligible to be included in the
4 system is a free-flowing stream and the related adjacent land
5 area that possesses one or more of the values referred to in
6 section 1, subsection (b) of this Act. Every scenic river in
7 its free-flowing condition, or upon restoration to this condi-
8 tion, shall be considered eligible for inclusion in the national
9 scenic rivers system, and if included, shall be classified, desig-
10 nated, and administered as one of the following:
11 (1) Class I scenic river areas—Those rivers or
12 sections of rivers that are free of impoundments and
13 inaccessible except by trail, with watersheds or shore-
14 lines essentially primitive and waters unpolluted. These
15 represent vestiges of primitive America.
16 (2) Class II scenic river areas—Those rivers or
17 sections of rivers free of impoundments, with shorelines
18 or watersheds still largely primitive and shorelines
19 largely undeveloped, but accessible in places by roads.
20 (3) Class III scenic river areas—Those rivers or
21 sections of rivers which are readily accessible by road
22 or railroad, which may have some development along
23 their shorelines, and which may have undergone some
24 impoundment or diversion in the past.

1 SEC. 3. (a) The following rivers and the land adjacent
2 thereto are hereby designated as components of the national
3 scenic rivers system:

4 (1) CLEARWATER, MIDDLE FORK, IDAHO.—The
5 Middle Fork from the town of Kooskia upstream to the
6 town of Lowell; the Lochsa River from its junction with
7 the Selway at Lowell forming the Middle Fork, up-
8 stream to the Powell Ranger Station; and the Selway
9 River from Lowell upstream to its origin; to be admin-
10 istered by the Secretary of Agriculture.

11 (2) RIO GRANDE, NEW MEXICO.—The segment
12 extending from the Colorado State line downstream to
13 the State Highway 96 crossing, and the lower four miles
14 of the Red River; to be administered by the Secretary of
15 the Interior.

16 (3) ROGUE, OREGON.—The segment of the river
17 extending from the mouth of the Applegate River down-
18 stream to the Lobster Creek Bridge; to be administered
19 by agencies of the Departments of the Interior or Agri-
20 culture as agreed upon by the Secretaries of said De-
21 partments or as directed by the President.

22 (4) SAINT CROIX, MINNESOTA AND WISCON-
23 SIN.—The segment between the dam near Taylors Falls,
24 Minnesota, and the dam near Gordon, Wisconsin, and its
25 tributary, the Namekagon, from Lake Namekagon down-

1 stream to its confluence with the Saint Croix; to be ad-
2 ministered by the Secretary of the Interior: *Provided,*
3 That except as may be required in connection with items
4 (a) and (b) of this paragraph, no funds available to
5 carry out the provisions of this Act may be expended
6 for the acquisition or development of lands in connection
7 with, or for administration under this Act of, that portion
8 of the Saint Croix River between the dam near Taylors
9 Falls, Minnesota, and the upstream end of Big Island
10 in Wisconsin, until sixty days after the date on which the
11 Secretary has transmitted to the President of the Senate
12 and Speaker of the House of Representatives a proposed
13 cooperative agreement between the Northern States
14 Power Company and the United States (a) whereby
15 the company agrees to convey to the United States,
16 without charge, appropriate interests in certain of its
17 lands between the dam near Taylors Falls, Minnesota,
18 and the upstream end of Big Island in Wisconsin, includ-
19 ing the company's right, title, and interest to approxi-
20 mately one hundred acres per mile, and (b) providing
21 for the use and development of other lands and interests
22 in land retained by the company between said points ad-
23 jacent to the river, in a manner which shall complement
24 and not be inconsistent with the purposes for which the
25 lands and interests in land donated by the company are

1 administered under this Act. Said agreement may also
2 include provision for State or local governmental partici-
3 pation as authorized under subsection (c) of section 10
4 of this Act.

5 (5) SALMON, MIDDLE FORK, IDAHO.—From its
6 origin to its confluence with the main Salmon River; to
7 be administered by the Secretary of Agriculture.

8 (6) WOLF, WISCONSIN.—From the Langlade-
9 Menominee County line downstream to Keshena Falls;
10 to be administered by the Secretary of the Interior.

11 (b) The agency charged with the administration of each
12 component of the national scenic rivers system designated
13 by subsection (a) of this section shall, within one year from
14 the date of this Act, establish detailed boundaries therefor
15 (which boundaries shall include an average of not more
16 than three hundred and twenty acres per mile on both sides
17 of the river); determine which of the classes outlined in sec-
18 tion 2, subsection (b), of this Act best fit the river or its
19 various segments; and prepare a plan for necessary develop-
20 ments in connection with its administration in accordance
21 with such classification. Said boundaries, classification, and
22 development plans shall be published in the Federal Register
23 and shall not become effective until ninety days after they
24 have been forwarded to the President of the Senate and the
25 Speaker of the House of Representatives.

1 SEC. 4. (a) The Secretary of the Interior or, where
2 national forest lands are involved, the Secretary of Agricul-
3 ture or, in appropriate cases, the two Secretaries jointly
4 shall study and from time to time submit to the President
5 and the Congress proposals for the addition to the national
6 scenic rivers system of rivers which are designated herein or
7 hereafter by the Congress as potential additions to such sys-
8 tem; which, in his or their judgment, fall within one or more
9 of the classes set out in section 2, subsection (b), of this Act;
10 and which are proposed to be administered, wholly or
11 partially, by an agency of the United States. Every such
12 study and plan shall be coordinated with any water resources
13 planning involving the same river which is being conducted
14 pursuant to the Water Resources Planning Act (79 Stat.
15 244; 42 U.S.C. 1962 et seq.).

16 Each proposal shall be accompanied by a report, includ-
17 ing maps and illustrations, showing among other things the
18 area included within the proposal; the characteristics which
19 make the area a worthy addition to the system; the current
20 status of landownership and use in the area; the reasonably
21 foreseeable potential uses of the land and water which would
22 be enhanced, foreclosed, or curtailed if the area were included
23 in the national scenic rivers system; the Federal agency
24 (which in the case of a river which is wholly or substantially
25 within a national forest, shall be the Department of Agri-

1 culture) by which it is proposed the area be administered;
2 the extent to which it is proposed that administration, includ-
3 ing the costs thereof, be shared by State and local agencies;
4 and the estimated cost to the United States of acquiring
5 necessary lands and interests in land and of administering
6 the area as a component of the system. Each such report shall
7 be printed as a Senate or House document.

8 (b) Before submitting any such report to the President
9 and the Congress, copies of the proposed report shall, unless it
10 was prepared jointly by the Secretary of the Interior and the
11 Secretary of Agriculture, be submitted by the Secretary of the
12 Interior to the Secretary of Agriculture or by the Secretary of
13 Agriculture to the Secretary of the Interior, as the case may
14 be, and to the Secretary of the Army, the Chairman of the
15 Federal Power Commission, the head of any other affected
16 Federal department or agency and, unless the lands proposed
17 to be included in the area are already owned by the United
18 States or have already been authorized for acquisition by Act
19 of Congress, the Governor of the State or States in which they
20 are located or an officer designated by the Governor to receive
21 the same. Any recommendations or comments on the pro-
22 posal which the said officials furnish the Secretary or Secre-
23 taries who prepared the report within ninety days of the date
24 on which the report is submitted to them, together with the
25 Secretary's or Secretaries' comments thereon, shall be

1 included with the transmittal to the President and the
2 Congress.
3 (c) Before approving or disapproving for inclusion in
4 the national scenic rivers system any river designated as a
5 scenic river by or pursuant to an act of a State legislature,
6 the Secretary of the Interior shall submit the proposal to the
7 Secretary of Agriculture, the Secretary of the Army, the
8 Chairman of the Federal Power Commission, and the head
9 of any other affected Federal department or agency and
10 shall evaluate and give due weight to any recommendations
11 or comments which the said officials furnish him within
12 ninety days of the date on which it is submitted to them.
13 If he approves the proposed inclusion, he shall publish
14 notice thereof in the Federal Register.
15 SEC. 5. (a) The following rivers are hereby designated
16 for potential addition to the national scenic rivers system:
17 (1) Bruneau, Idaho: The entire main stem.
18 (2) Buffalo, Tennessee: The entire river.
19 (3) Chattooga, North Carolina, South Carolina, and
20 Georgia: The entire river.
21 (4) Clarion, Pennsylvania: The segment between
22 Ridgway and its confluence with the Allegheny River.
23 (5) Cumberland, Tennessee: The entire Big South Fork
24 and its tributary, the Clear Fork;

1 (6) Delaware, Pennsylvania and New York: The seg-
2 ment from Hancock, New York, to Matamoras, Pennsyl-
3 vania.

4 (7) Eleven Point, Missouri: The segment in the State
5 of Missouri.

6 (8) Feather, California: The entire Middle Fork.

7 (9) Flathead, Montana: The North Fork from the
8 Canadian border downstream to its confluence with the
9 Middle Fork; the Middle Fork from its headwaters to its
10 confluence with the South Fork; and the South Fork from
11 its origin to Hungry Horse Reservoir.

12 (10) Gasconade, Missouri: The entire river.

13 (11) Illinois, Oregon: The entire river.

14 (12) Little Miami, Ohio: The entire river.

15 (13) Missouri, Montana: The segment between Fort
16 Benton and Ryan Island.

17 (14) Moyie, Idaho: The segment from the Canadian
18 border to its confluence with the Kootenai River.

19 (15) Niobrara, Nebraska: The main stem segment from
20 the confluence of Antelope creek to the headwaters of the
21 proposed Norden Reservoir east of the town of Valentine,
22 and the lower eight miles of its tributary, the Snake River.

23 (16) Obed, Tennessee: The entire river and its tribu-
24 taries, Clear Creek and Daddys Creek.

25 (17) Penobscot, Maine: Its east and west branches.

1 (18) Pere Marquette, Michigan: The entire river.

2 (19) Pine Creek, Pennsylvania: The segment from
3 Ansonia to Waterville.

4 (20) Priest, Idaho: The entire main stem.

5 (21) Rio Grande, Texas: The portion of the river be-
6 tween the west boundary of Hudspeth County and the east
7 boundary of Terrell County on the United States side of the
8 river: *Provided,* That before undertaking any study of this
9 potential scenic river, the Secretary of the Interior shall de-
10 termine, through the channels of appropriate executive agen-
11 cies, that Mexico has no objection to its being included
12 among the studies authorized by this Act.

13 (22) Saint Croix, Minnesota and Wisconsin: The seg-
14 ment between the dam near Taylors Falls and its confluence
15 with the Mississippi River.

16 (23) Saint Joe, Idaho: The entire main stem.

17 (24) Salmon, Idaho: The segment from the town of
18 North Fork to its confluence with the Snake River.

19 (25) Skagit, Washington: The segment from the town
20 of Mount Vernon to and including the mouth of Bacon Creek;
21 the Cascade River between its mouth and the junction of
22 its North and South Forks; the South Fork to the boundary
23 of the Glacier Peak Wilderness Area; the Suiattle River from
24 its mouth to the Glacier Peak Wilderness Area boundary at

1 Milk Creek; the Sauk River from its mouth to its junction
2 with Elliott Creek; the North Fork of the Sauk River from
3 its junction with the South Fork of the Sauk to the Glacier
4 Peak Wilderness Area boundary.

5 (26) Susquehanna, New York and Pennsylvania: The
6 segment between a dam at Cooperstown, New York, and the
7 town of Pittston, Pennsylvania, and the segment of the
8 West Branch Susquehanna between Clearfield and Lock
9 Haven, Pennsylvania.

10 (27) Suwannee, Georgia and Florida: The entire river
11 from its source in the Okefenokee Swamp in Georgia to the
12 gulf and the outlying Ichetucknee Springs, Florida.

13 (28) Upper Iowa, Iowa: The entire river.

14 (b) The Secretary of the Interior and, where national
15 forest lands are involved, the Secretary of Agriculture shall
16 proceed as expeditiously as possible to study each of the rivers
17 named in subsection (a) of this section in order to deter-
18 mine whether it should be included in the national scenic
19 rivers system. Such studies shall be completed and reports
20 made thereon to the President and the Congress, as provided
21 in section 4 of this Act, within fifteen years from the date
22 of this Act. In conducting these studies the Secretary of the
23 Interior and the Secretary of Agriculture shall give priority
24 to those rivers with respect to which there is the greatest
25 likelihood of developments which, if undertaken, would render

1 them unsuitable for inclusion in the national scenic rivers
2 system.

3 (c) The study of any of said rivers shall be pursued in
4 as close cooperation with appropriate agencies of the affected
5 State and its political subdivisions as possible and shall in-
6 clude a determination of the degree to which the State or its
7 political subdivisions might participate in the preservation and
8 administration of the river should it be proposed for inclusion
9 in the national scenic rivers system. No study otherwise re-
10 quired by this section shall be undertaken or pursued in the
11 case of any stream or section of a stream which the Governor
12 of the State in which it is located certifies the State or one of
13 its agencies or political subdivisions is prepared to study for
14 the purpose of determining whether it should be proposed for
15 inclusion in the national scenic rivers system so long as the
16 State or one of its agencies or political subdivisions does in
17 fact pursue said study with diligence. Nothing contained in
18 the preceding sentence, however, shall be taken to forbid the
19 Secretary of the Interior or the Secretary of Agriculture to
20 cooperate with the State, the agency, or the political subdi-
21 vision in undertaking and carrying out the study.

22 (d) In all planning for the use and development of water
23 and related land resources, consideration shall be given by all
24 Federal agencies involved to potential national scenic river

1 areas, and all river basin and project plan reports submitted
2 to the Congress shall consider and discuss any such potentials.
3 The Secretary of the Interior and the Secretary of Agricul-
4 ture shall make specific studies and investigations to deter-
5 mine which additional scenic river areas within the United
6 States shall be evaluated in planning reports by all Federal
7 agencies as potential alternative uses of the water and related
8 land resources involved.

9 SEC. 6. (a) The Secretary of the Interior is authorized
10 to acquire lands and interests in land within the authorized
11 boundaries of any federally administered component of the
12 national scenic rivers system designated in section 3 of this
13 Act or hereafter designated for inclusion in the system by act
14 of Congress. Lands owned by an Indian tribe, by a State, or
15 by a political subdivision of a State may not be acquired
16 without the consent of the appropriate governing body thereof
17 as long as the Indian tribe, State, or political subdivision is
18 following a plan for management and protection of the lands
19 which the Secretary finds protects the land and assures its use
20 for purposes consistent with this Act. Money appropriated for
21 Federal purposes from the land and water conservation fund
22 shall, without prejudice to the use of appropriations from
23 other sources, be available to Federal departments and
24 agencies for the acquisition of property for the purposes of
25 this Act.

1 (b) The Secretary of the Interior is authorized to ac-
2 cept title to non-Federal property within the authorized
3 boundaries of any federally administered component of the
4 national scenic rivers system designed in section 3 of this
5 Act or hereafter designated for inclusion in the system by
6 Act of Congress and, in exchange therefor, convey to the
7 grantor any federally owned property which is under his
8 jurisdiction within the State or States in which the com-
9 ponent lies and which he classifies as suitable for exchange
10 or other disposal. The values of the properties so exchanged
11 either shall be approximately equal or, if they are not ap-
12 proximately equal, shall be equalized by the payment of
13 cash to the grantor or to the Secretary as the circumstances
14 require.

15 (c) The head of any Federal department or agency
16 having administrative jurisdiction over any lands or in-
17 terests in land within the authorized boundaries of any fed-
18 erally administered component of the national scenic rivers
19 system designated in section 3 of this Act or hereafter desig-
20 nated for inclusion in the system by Act of Congress is au-
21 thorized to transfer to the Secretary of the Interior jurisdic-
22 tion over such lands for administration in accordance with
23 the provisions of this Act.

24 (d) The Secretary of the Interior is authorized to ac-
25 cept donations of lands and interests in land, funds, and

1 other property for use in connection with his administration
2 of the national scenic rivers system.
3 (e) Subsections (a), (b), (c), and (d) of this section
4 shall apply with equal force to the Secretary of Agriculture
5 in the case of any component of the national scenic rivers
6 system which is within his administrative jurisdiction. Lands
7 acquired by or transferred to the Secretary of Agriculture
8 for the purposes of this Act within or adjacent to a national
9 forest shall upon such acquisition or transfer become national
10 forest lands.
11 SEC. 7. (a) The Federal Power Commission shall not
12 license the construction of any dam, water conduit, reservoir,
13 powerhouse, transmission line, or other project works under
14 the Federal Power Act (41 Stat. 1063), as amended (16
15 U.S.C. 791a et seq.), on or directly affecting any river
16 which is designated in section 3 of this Act as a component
17 of the national scenic rivers system or which is hereafter
18 designated for inclusion in that system, and no department
19 or agency of the United States shall assist by loan, grant,
20 license, or otherwise in the construction of any water re-
21 sources project that would have a direct and adverse effect on
22 the values for which such river was established, as deter-
23 mined by the Secretary charged with it administration.
24 Nothing contained in the foregoing sentence, however, shall
25 preclude licensing of, or assistance to, developments below

1 or above a scenic river area or on any stream tributary there-
2 to which will not invade the area or diminish the scenic,
3 recreational, and fish and wildlife values present in the scenic
4 river area on the date of approval of this Act. No department
5 or agency of the United States shall recommend authorization
6 of any water resources project that would have a direct and
7 adverse effect on the values for which such river was estab-
8 lished, as determined by the Secretary charged with its ad-
9 ministration, or request appropriations to begin construction
10 of any such project, whether heretofore or hereafter author-
11 ized, without advising the Secretary of the Interior or the
12 Secretary of Agriculture, as the case may be, in writing of its
13 intention so to do at least sixty days in advance, and without
14 specifically reporting to the Congress in writing at the time it
15 makes its recommendation or request in what respect con-
16 struction of such project would be in conflict with the pur-
17 poses of this Act and would affect the component and the
18 values to be protected by it under this Act.
19 (b) The Federal Power Commission shall not license
20 the construction of any dam, water conduit, reservoir, power-
21 house, transmission line, or other project works under the
22 Federal Power Act, as amended, on or directly affecting
23 any river which is listed in section 5, subsection (a), of
24 this Act, and no department or agency of the United States

1 shall assist by loan, grant, license, or otherwise in the con-
2 struction of any water resources project that would have a
3 direct and adverse effect on the values for which such river
4 might be designated, as determined by the Secretary respon-
5 sible for its study or approval—

6 (i) during the five-year period following enact-
7 ment of this Act unless, prior to the expiration of said
8 period, the Secretary of the Interior and, where national
9 forest lands are involved, the Secretary of Agriculture,
10 on the basis of study, conclude that such river should not
11 be included in the national scenic rivers system and pub-
12 lish notice to that effect in the Federal Register, and

13 (ii) during such additional period thereafter as, in
14 the case of any river which is recommended to the Presi-
15 dent and the Congress for inclusion in the national scenic
16 rivers system, is necessary for congressional consideration
17 thereof or, in the case of any river recommended to the
18 Secretary of the Interior for inclusion in the national
19 scenic rivers system under section 2 (a) (ii) of this Act,
20 is necessary for the Secretary's consideration thereof,
21 which additional period, however, shall not exceed three
22 years in the first case and one year in the second. Noth-
23 ing contained in the foregoing sentence, however, shall
24 preclude licensing of, or assistance to, developments
25 below or above a potential scenic river area or on any

1 stream tributary thereto which will not invade the area
2 or diminish the scenic, recreational, and fish and wildlife
3 values present in the potential scenic river area on the
4 date of approval of this Act.
5 No department or agency of the United States shall, during
6 the periods hereinbefore specified, recommend authorization
7 of any water resources project on any such river or request
8 appropriations to begin construction of any such project,
9 whether heretofore or hereafter authorized, without advising
10 the Secretary of the Interior and, where national forest lands
11 are involved, the Secretary of Agriculture in writing of its
12 intention so to do at least sixty days in advance of doing
13 so and without specifically reporting to the Congress in
14 writing at the time it makes its recommendation or request
15 in what respect construction of such project would be in
16 conflict with the purposes of this Act and would affect the
17 component and the values to be protected by it under this
18 Act.
19 (c) The Federal Power Commission and all other Fed-
20 eral agencies shall, promptly upon enactment of this Act,
21 inform the Secretary of the Interior and, where national
22 forest lands are involved, the Secretary of Agriculture, of any
23 proceedings, studies, or other activities within their jurisdic-
24 tion which are now in progress and which affect or may affect
25 any of the rivers specified in section 5, subsection (a), of this

1 Act. They shall likewise inform him of any such proceedings,
2 studies, or other activities which are hereafter commenced or
3 resumed before they are commenced or resumed.

4 (d) Nothing in this section with respect to the making
5 of a loan or grant shall apply to grants made under the Land
6 and Water Conservation Fund Act of 1965 (78 Stat. 897;
7 16 U.S.C. 460l–5 et seq.).

8 SEC. 8. (a) All public lands within the authorized
9 boundaries of any component of the national scenic rivers
10 system which is designated in section 3 of this Act or which
11 is hereafter designated for inclusion in that system are hereby
12 withdrawn from entry, sale, or other disposition under the
13 public land laws of the United States.

14 (b) All public lands which constitute the bed or bank,
15 or are within one-quarter mile of the bank, of any river
16 which is listed in section 5, subsection (a), of this Act are
17 hereby withdrawn from entry, sale, or other disposition
18 under the public land laws of the United States for the pe-
19 riods specified in section 7, subsection (b), of this Act.

20 SEC. 9. (a) Nothing in this Act shall affect the applica-
21 bility of the United States mining and mineral leasing laws
22 within components of the national scenic rivers system except
23 that—

24 (i) all prospecting, mining operations, and other
25 activities on mining claims which, in the case of a com-

1 ponent of the system designated in section 3 of this
2 Act, have not heretofore been perfected or which, in
3 the case of a component hereafter designated pursuant to
4 this Act or any other Act of Congress, are not perfected
5 before its inclusion in the system and all mining opera-
6 tions and other activities under a mineral lease, license,
7 or permit issued or renewed after inclusion of a com-
8 ponent in the system shall be subject to such regulations
9 as the Secretary of the Interior or, in the case of national
10 forest lands, the Secretary of Agriculture may prescribe
11 to effectuate the purposes of this Act;
12 (ii) subject to valid existing rights, the perfection
13 of, or issuance of a patent to, any mining claim affecting
14 lands within the system shall confer or convey a right or
15 title only to the mineral deposits and such rights only to
16 the use of the surface and the surface resources as are
17 reasonably required to carrying on prospecting or mining
18 operations and are consistent with such regulations as
19 may be prescribed by the Secretary of the Interior or, in
20 the case of national forest lands, by the Secretary of
21 Agriculture; and
22 (iii) subject to valid existing rights, the minerals
23 in Federal lands which are part of the system and con-
24 stitute the bed or bank or are situated within one-
25 quarter mile of the bank of any river designated a class

1 I scenic river under this Act or any subsequent Act are
2 hereby withdrawn from all forms of appropriations under
3 the mining laws and from operation of the mineral leas-
4 ing laws including, in both cases, amendments thereto.
5 Regulations issued pursuant to paragraphs (i) and (ii) of
6 this subsection shall, among other things, provide safeguards
7 against pollution of the river involved and unnecessary im-
8 pairment of the scenery within the component in question.
9 (b) The minerals in any Federal lands which constitute
10 the bed or bank or are situated within one-quarter mile of
11 the bank of any river which is listed in section 5, subsection
12 (a) of this Act are hereby withdrawn from all forms of ap-
13 propriation under the mining laws during the periods speci-
14 fied in section 7, subsection (b) of this Act. Nothing con-
15 tained in this subsection shall be construed to forbid prospect-
16 ing or the issuance of leases, licenses, and permits under the
17 mineral leasing laws subject to such conditions as the Secre-
18 tary of the Interior and, in the case of national forest lands,
19 the Secretary of Agriculture find appropriate to safeguard
20 the area in the event it is subsequently included within the
21 system.
22 SEC. 10. (a) Each component of the national scenic
23 rivers system shall be administered in such manner as to pro-
24 tect and enhance the values which caused it to be included in
25 said system without, insofar as is consistent therewith, limit-

1 ing other uses that do not substantially interfere with public
2 use and enjoyment of these values. In such administration
3 primary emphasis shall be given to protecting its esthetic,
4 scenic, historic, archeologic, and scientific features. Manage-
5 ment plans for any such component may establish varying
6 degrees of intensity for its protection and development, based
7 on the special attributes of the area.

8 (b) Any portion of a component of the national scenic
9 rivers system that is within the national wilderness preserva-
10 tion system, as established by or pursuant to the Act of Sep-
11 tember 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall
12 be subject to the provisions of both the Wilderness Act and
13 this Act with respect to preservation of such river and its
14 immediate environment, and in case of conflict between the
15 provisions of these Acts the more restrictive provisions shall
16 apply.

17 (c) Any component of the national scenic rivers system
18 that is administered by the Secretary of the Interior through
19 the National Park Service shall become a part of the national
20 park system, and any such component that is administered
21 by the Secretary through the Fish and Wildlife Service shall
22 become a part of the national wildlife refuge system. The
23 lands involved shall be subject to the provisions of this Act
24 and the Acts under which the national park system or na-
25 tional wildlife system, as the case may be, is administered,

1 and in case of conflict between the provisions of these Acts,
2 the more restrictive provisions shall apply. The Secretary
3 of the Interior, in his administration of any component of
4 the national scenic rivers system, may utilize such general
5 statutory authorities relating to areas of the national park
6 system and such general statutory authorities otherwise avail-
7 able to him for recreation and preservation purposes and for
8 the conservation and management of natural resources as he
9 deems appropriate to carry out the purposes of this Act.

10 (d) The Secretary of Agriculture, in his administration
11 of any component of the national scenic rivers system area,
12 may utilize the general statutory authorities relating to the
13 national forests in such manner as he deems appropriate to
14 carry out the purposes of this Act.

15 (e) The Federal agency charged with the administra-
16 tion of any component of the national scenic rivers system
17 may enter into written cooperative agreements with the Gov-
18 ernor of a State, the head of any State agency, or the appro-
19 priate official of a political subdivision of a State for State or
20 local governmental participation in the administration of the
21 component. The States and their political subdivisions shall
22 be encouraged to cooperate in the planning and administra-
23 tion of components of the system which include or adjoin
24 State- or county-owned lands.

25 SEC. 11. (a) The Secretary of the Interior shall en-

1 courage and assist the States to consider, in formulating and
2 carrying out their comprehensive statewide outdoor recrea-
3 tion plans and proposals for financing assistance for State and
4 local projects submitted pursuant to the Land and Water
5 Conservation Fund Act of 1965 (78 Stat. 897), needs and
6 opportunities for establishing State and local scenic river
7 areas. He shall also in accordance with the authority con-
8 tained in the Act of May 28, 1963 (77 Stat. 49), provide
9 technical assistance and advice to, and cooperate with, States,
10 political subdivisions, and private interests, including non-
11 profit organizations, with respect to establishing such scenic
12 river areas.

13 (b) The Secretaries of Agriculture and of Health, Edu-
14 cation, and Welfare shall likewise, in accordance with the
15 authority vested in them, assist, advise, and cooperate with
16 State and local agencies and private interests with respect
17 to establishing such scenic river areas.

18 SEC. 12. (a) The Secretary of the Interior, the Secre-
19 tary of Agriculture, and heads of other Federal agencies
20 shall review administrative and management policies, regu-
21 lations, contracts, and plans affecting lands under their re-
22 spective jurisdictions which include, border upon, or are
23 adjacent to the rivers listed in subsection (a) of section 5
24 of this Act in order to determine what actions should be
25 taken to protect such rivers during the period they are being

1 considered for potential addition to the national scenic rivers
2 system. Particular attention shall be given to scheduled tim-
3 ber harvesting, road construction, and similar activities which
4 might be contrary to the purposes of this Act.

5 (b) Nothing in this section shall be construed to abro-
6 gate any existing rights, privileges, or contracts affecting
7 Federal lands held by any private party without the consent
8 of said party.

9 (c) The head of any agency administering a component
10 of the national scenic rivers system shall cooperate with the
11 Secretary of the Interior and with the appropriate State
12 water pollution control agencies for the purpose of eliminat-
13 ing or diminishing the pollution of waters of the river.

14 SEC. 13. (a) Nothing in this Act shall affect the juris-
15 diction or responsibilities of the States with respect to fish
16 and wildlife. Hunting and fishing shall be permitted on lands
17 and waters administered as parts of the system under ap-
18 plicable State and Federal laws and regulations unless, in
19 the case of hunting, those lands or waters are within a na-
20 tional park or monument. The administering Secretary may,
21 however, designate zones where, and establish periods when,
22 no hunting is permitted for reasons of public safety and shall
23 issue appropriate regulations on public safety after con-
24 sultation with the wildlife agency of the State or States
25 affected.

1 (b) Nothing in this Act shall constitute an express or
2 implied claim or denial on the part of the United States
3 with respect to the applicability to it of, or to its exemption
4 from, State water laws, and nothing in this Act shall be con-
5 strued to alter, amend, or repeal any interstate water compact
6 which has heretofore been entered into by States which con-
7 tain any portion of the national scenic rivers system and to
8 which the consent or approval of the Congress has been
9 given.

10 (c) A State shall have such rights as may be necessary
11 to assure adequate access by such State to the beds of navi-
12 gable rivers which are vested in the State, in case such beds
13 are located in a national scenic river: *Provided,* That no
14 river, the bed of which is vested in a State, shall be included
15 in the national scenic rivers system pursuant to section 2,
16 subsection (a) (ii), of this Act without certification by the
17 State that it will not permit mining or similar disruption
18 of its bed.

19 (d) The Secretary of the Interior or the Secretary of
20 Agriculture, as the case may be, may grant easements and
21 rights-of-way upon, over, under, across, or through any com-
22 ponent of the national scenic rivers system in accordance
23 with the laws applicable to the national park system and the
24 national forest system, respectively: *Provided,* That any
25 conditions precedent to granting such easements and rights-

1 of-way shall be related to the policy and purpose of this
2 Act and shall not be based upon the Department of the In-
3 terior or Department of Agriculture regulations relating to
4 granting rights-of-way for power transmission lines issued
5 March 23, 1963 (28 F.R. 2903, 2905; 43 C.F.R. 2234.4,
6 36 C.F.R. 251.52).

7 SEC. 14. The claim and allowance of the value of a
8 conservation easement as a charitable contribution under
9 section 170 of title 26, United States Code, or as a gift
10 under section 2522 of said title shall constitute an agree-
11 ment by the donor on behalf of himself, his heirs, and assigns
12 that, if the terms of the instrument creating the easement
13 are violated, the donee or the United States may acquire
14 the servient estate at its fair market value as of the time
15 the easement was donated minus the value of the easement
16 claimed and allowed as a charitable contribution or gift.

17 SEC. 15. As used in this Act, the term—

18 (a) "River" means a flowing body of water or estuary
19 or a section, portion, or tributary thereof, including rivers,
20 streams, creeks, runs, kills, rills, small lakes, and, as provided
21 in this Act, manmade waterways.

22 (b) "Free-flowing", as applied to any river or section
23 of a river, means existing or flowing in natural condition
24 without impoundment, diversion, straightening, rip-rapping,
25 or other modification of the waterway. The existence, how-

1 ever, of low dams, diversion works, and other minor struc-
2 tures at the time any river is proposed for inclusion in the
3 national scenic rivers system shall not automatically bar its
4 consideration for such inclusion: *Provided,* That this shall
5 not be construed to authorize, intend, or encourage future
6 construction of such structures within components of the
7 national scenic rivers system.

8 (c) "Conservation easement" means a perpetual interest
9 in land, however created or expressed, which interest (i) is
10 held by or for the benefit of the United States or the people
11 of the United States, a State or the people of a State, or
12 another public body or the people of such body, (ii) is spe-
13 cifically enforcible by its holder or beneficiaries, and (iii)
14 limits or obligates the holder of the servient estate, his heirs,
15 and assigns with respect to their use and management of the
16 land and activities conducted thereon, the disturbance or
17 modification of the surface or subsurface thereof, the structures
18 placed or maintained thereon, or the growth, planting,
19 removal, destruction, or damaging of vegetation thereon, or
20 in other respects in connection therewith, all as more spe-
21 cifically spelled out in the document by which such interest in
22 land is created, the object of such limitations and obligations
23 being the maintenance or enhancement of the natural beauty
24 of the land in question or of areas affected by it and of flora,
25 fauna, and archeological or historic remains on it or them

1 and the preservation of the values thereof for scientific study
2 and for public enjoyment by present and future generations.
3 SEC. 16. There are hereby authorized to be appropriated
4 such sums as may be necessary, but not more than $17,-
5 340,000, for the acquisition of lands and interests in land
6 under the provisions of this Act.

Union Calendar No. 659

90TH CONGRESS
2D SESSION

H. R. 18260

[Report No. 1623]

A BILL

To provide for a national scenic rivers system, and for other purposes.

By Mr. SAYLOR, Mr. ASPINALL, Mr. BURTON of California, Mr. BURTON of Utah, Mr. EDMONDSON, Mr. FOLEY, Mr. HANSEN of Idaho, Mr. HOSMER, Mr. JOHNSON of California, Mr. KASTENMEIER, Mr. KAZEN, Mr. KEE, Mr. KUPFERMAN, Mr. KYL, Mr. MCCLURE, Mr. MORTON, Mr. POLLOCK, Mr. REINECKE, Mr. RYAN, Mr. TAYLOR, Mr. TUNNEY, Mr. UDALL, and Mr. WHITE

JULY 1, 1968

Referred to the Committee on Interior and Insular Affairs

JULY 3, 1968

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued July 17, 1968
For actions of July 15th & July 16th, 1968
90th-2nd; No. 122

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2. TRAILS. Passed with amendment S. 827, to establish a nationwide system of trails. H. R. 4865, a similar bill which was passed earlier under suspension of the rules, was tabled. pp. H6693-706

3. HUNGER. Passed, 164-59, under suspension of the rules H. R. 17144, to establish a Commission on Hunger. pp. H6739-46

4. DAIRY. Passed with amendment S. 3638, to provide indemnity payments to dairy farmers. H. R. 17752, a similar bill which was passed earlier under suspension of the rules, was tabled. pp. H6706-7

5. COOPERATIVES. Passed, 272-106, under suspension of the rules S. 752, to amend the Interstate Commerce Act to clarify this exemption with respect to transportation performed by agricultural cooperative associations for nonmembers. This bill will now be sent to the President. pp. H6728-34

6. SCENIC RIVERS. Failed to Passed under suspension of the rules H. R. 18260, to provide for a national scenic rivers system. pp. H6717-28

7. COMMODITY EXCHANGES. Passed under suspension of the rules S. 3143, to make frozen concentrated, orange juice subject to the provisions of the Commodity Exchange Act. pp. H6750-51

8. RECLAMATION. Passed under suspension of the rules H. R. 9362, to authorize the Secretary of the Interior to construct, operate, and maintain the Mountain Park reclamation project, Okla. pp. H6683-7

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9. ELECTRIFICATION. Passed with amendment S. 2445, to amend the Federal Power Act to clarify the manner in which the licensing authority of the Commission and the right of the U. S. to take over a project or projects upon or after the expiration of any license shall be exercised. H. R. 12698, a similar bill, which was passed earlier under suspension of the rules, was tabled. pp. H6707-11

10. TRADE FAIRS. Passed, 142-35, under suspension of the rules, H. R. 18340, to amend the Merchant Marine Act, 1936, to provide for the continuation of authority to develop American flag carriers and promote the foreign commerce of the U. S. through the use of mobile trade fairs. pp. H6746-47

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Hansen, Idaho
Hawkins
Hébert
Herlong
Holifield
Holland
Jones, Mo.
Karsten
King, Calif.
Kornegay
Landrum
Long, La.
Madden
Mathias, Md.
Mosher
Murphy, N.Y.
Patman
Rarick
Resnick
Rhodes, Pa.
Rivers
Stephens
Talcott
Utt
Vigorito
Waggonner
Willis

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Evins of Tennessee with Mr. Mathias of Maryland.
Mr. Waggonner with Mr. Fino.
Mr. Holifield with Mr. Mosher.
Mr. Giaimo with Mr. Talcott.
Mr. Fallon with Mr. Utt.
Mr. Culver with Mr. Gardner.
Mr. Blanton with Mr. Hansen of Idaho.
Mr. Anderson of Tennessee with Mr. King of California.
Mr. Long of Louisiana with Mr. Murphy of New York.
Mr. Madden with Mr. de la Garza.
Mr. Evans of Colorado with Mr. Rhodes of Pennsylvania.
Mr. Rivers with Mr. Gallagher.
Mr. Stephens with Mr. Kornegay.
Mr. Casey with Mr. Rarick.
Mr. Hawkins with Mr. Resnick.
Mr. Vigorito with Mr. Conyers.
Mr. Willis with Mr. Holland.
Mr. Hébert with Mr. Herlong.
Mr. Landrum with Mr. Patman.

Messrs. ROONEY of New York, ASHLEY, TUCK, KYROS, and Mrs. KELLY changed their votes from "yea" to "nay."

Mrs. BOLTON and Messrs. TEAGUE of Texas, SMITH of New York, BUSH, ZION, BROOMFIELD, MacGREGOR, and BUCHANAN changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have permission to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PROVIDING FOR A NATIONAL SCENIC RIVERS SYSTEM

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 18260) to provide for a national scenic rivers system, and for other purposes.

The Clerk read as follows:

H.R. 18260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "National Scenic Rivers Act of 1968".

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in freeflowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

(c) The purpose of this Act is to implement this policy by instituting a national scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

SEC. 2. (a) The national scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as scenic rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as scenic rivers by an agency or political subdivision of the State or States concerned without expense to the United States, that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine, and that segment of the Wolf River, Wisconsin, which flows through Langlade County.

(b) A scenic river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every scenic river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national scenic rivers system, and if included, shall be classified, designated, and administered as one of the following:

(1) Class I scenic river areas.—Those rivers or sections of rivers that are free of impoundments and inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Class II scenic river areas.—Those rivers or sections of rivers free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Class III scenic river areas.—Those rivers or sections of rivers which are readily accessible by road or railroad, which may have some development along their shorelines, and which may have undergone some impoundment or diversion in the past.

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national scenic rivers system:

(1) CLEARWATER, MIDDLE FORK, IDAHO.—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway

River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

(2) RIO GRANDE, NEW MEXICO.—The segment extending from the Colorado State line downstream to the State Highway 96 crossings, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

(3) ROGUE, OREGON.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the Interior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

(4) SAINT CROIX, MINNESOTA AND WISCONSIN.—The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: *Provided,* That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this Act may be expended for the acquisition or development of lands in connection with, or for administration under this Act, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, including the company's right, title, and interest to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river, in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (e) of section 10 of this Act.

(5) SALMON, MIDDLE FORK, IDAHO.—From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

(6) WOLF, WISCONSIN.—From the Langlade-Menominee County line downstream to Keshena Falls; to be administered by the Secretary of the Interior.

(b) The agency charged with the administration of each component of the national scenic rivers system designated by subsection (a) of this section shall, within one year from the date of this Act, establish detailed boundaries therefor (which boundaries shall include an average of not more than three hundred and twenty acres per mile on both sides of the river); determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

SEC. 4. (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and from time to time submit to the President and the Congress proposals for the addition to the national scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system; which, in his or their judgment, fall within one or more of the classes set out in section 2, subsection (b), of this Act; and which are proposed to be administered, wholly or partially, by an agency of the United States. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.).

Each proposal shall be accompanied by a report, including maps and illustrations, showing among other things the area included within the proposal; the characteristics which make the area a worthy addition to the system; the current status of land-ownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area be administered; the extent to which it is proposed that administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area as a component of the system. Each such report shall be printed as a Senate or House document.

(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress.

(c) Before approving or disapproving for inclusion in the national scenic rivers system any river designated as a scenic river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national scenic rivers system:

(1) Bruneau, Idaho: The entire main stem.

(2) Buffalo, Tennessee: The entire river.

(3) Chattooga, North Carolina, South Carolina, and Georgia: The entire river.

(4) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.

(5) Cumberland, Tennessee: The entire Big South Fork and its tributary, the Clear Fork;

(6) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.

(7) Eleven Point, Missouri: The segment in the State of Missouri.

(8) Feather, California: The entire Middle Fork.

(9) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

(10) Gasconade, Missouri: The entire river.

(11) Illinois, Oregon: The entire river.

(12) Little Miami, Ohio: The entire river.

(13) Missouri, Montana: The segment between Fort Benton and Ryan Island.

(14) Moyie, Idaho: The segment from the Canadian border to its confluence with the Kootenai River.

(15) Niobrara, Nebraska: The main stem segment from the confluence of Antelope creek to the headwaters of the proposed Norden Reservoir east of the town of Valentine, and the lower eight miles of its tributary, the Snake River.

(16) Obed, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.

(17) Penobscot, Maine: Its east and west branches.

(18) Pere Marquette, Michigan: The entire river.

(19) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville.

(20) Priest, Idaho: The entire main stem.

(21) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the ast boundary of Terrell County on the United States side of the river: *Provided,* That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.

(22) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.

(23) Saint Joe, Idaho: The entire main stem.

(24) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.

(25) Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek; the Cascade River between its mouth and the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek; the Sauk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

(26) Susquehanna, New York and Pennsylvania: The segment between a dam at Cooperstown, New York, and the town of Pittston, Pennsylvania, and the segment of the West Branch Susquehanna between Clearfield and Lock Haven, Pennsylvania.

(27) Suwannee, Georgia, and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.

(28) Upper Iowa, Iowa: The entire river.

(b) The Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture shall proceed as expeditiously as possible to study each of the rivers named in subsection (a) of this section in order to determine whether it should

be included in the national scenic rivers system. Such studies shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within fifteen years from the date of this Act. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments which, if undertaken, would render them unsuitable for inclusion in the national scenic rivers system.

(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national scenic rivers system. No study otherwise required by this section shall be undertaken or pursued in the case of any stream or section of a stream which the Governor of the State in which it is located certifies the State or one of its agencies or political subdivisions is prepared to study for the purpose of determining whether it should be proposed for inclusion in the national scenic rivers system so long as the State or one of its agencies or political subdivisions does in fact pursue said study with diligence. Nothing contained in the preceding sentence, however, shall be taken to forbid the Secretary of the Interior or the Secretary of Agriculture to cooperate with the State, the agency, or the political subdivision in undertaking and carrying out the study.

(d) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national scenic river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional scenic river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

SEC. 6. (a) The Secretary of the Interior is authorized to acquire lands and interests in land within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by act of Congress. Lands owned by an Indian tribe, by a State, or by a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe, State, or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

(b) The Secretary of the Interior is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national scenic rivers system designed in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State or States in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(c) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the Secretary of the Interior jurisdiction over such lands for administration in accordance with the provisions of this Act.

(d) The Secretary of the Interior is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national scenic rivers system.

(e) Subsections (a), (b), (c), and (d) of this section shall apply with equal force to the Secretary of Agriculture in the case of any component of the national scenic rivers system which is within his administrative jurisdiction. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

SEC. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063, as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a scenic river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the scenic river area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval—

(i) during the five-year period following enactment of this Act unless, prior to the expiration of said period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, conclude that such river should not be included in the national scenic rivers system and publish notice to that effect in the Federal Register, and

(ii) during such additional period thereafter as, in the case of any river which is recommended to the President and the Congress for inclusion in the national scenic rivers system, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national scenic rivers system under section 2(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential scenic river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential scenic river area on the date of approval of this Act.

No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-5 et seq.).

SEC. 8. (a) All public lands within the authorized boundaries of any component of the national scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act.

SEC. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national scenic rivers system except that—

(1) all prospecting, mining operations, and

other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands by the Secretary of Agriculture; and

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a class I scenic river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriations under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance of leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included within the system.

SEC. 10. (a) Each component of the national scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

(b) Any portion of a component of the national scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(c) Any component of the national scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(d) The Secretary of Agriculture, in his administration of any component of the national scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(e) The Federal agency charged with the administration of any component of the national scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

SEC. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local scenic river areas. He shall also in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such scenic river areas.

(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them, assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such scenic river areas.

SEC. 12. (a) The Secretary of the Interior, the Secretary of Agriculture, and heads of other Federal agencies shall review administrative and management policies, regulations, contracts, and plans affecting lands under their respective jurisdictions which include, border upon, or are adjacent to the rivers listed in subsection (a) of section 5 of this Act in order to determine what actions should be taken to protect such rivers during the period they are being considered for potential addition to the national scenic rivers system. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

(c) The head of any agency administering a component of the national scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

SEC. 13. (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety and shall issue appropriate regulations on public safety after consultation with the wildlife agency of the State or States affected.

(b) Nothing in this Act shall constitute an express or implied claim or denial on the part of the United States with respect to the applicability to it of, or to its exemption from, State water laws, and nothing in this Act shall be construed to alter, amend, or repeal any interstate water compact which has heretofore been entered into by States which contain any portion of the national scenic rivers system and to which the consent or approval of the Congress has been given.

(c) A State shall have such rights as may be necessary to assure adequate access by such State to the beds of navigable rivers which are vested in the State, in case such beds are located in a national scenic river: *Provided,* That no river, the bed of which is vested in a State, shall be included in the national scenic rivers system pursuant to section 2, subsection (a) (ii), of this Act without certification by the State that it will not permit mining or similar disruption of its bed.

(d) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided,* That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act and shall not be based upon the Department of the Interior or Department of Agriculture regulations relating to granting rights-of-way for power transmission lines issued March 23, 1963 (28 F.R. 2903, 2905; 43 C.F.R. 2234.4, 36 C.F.R. 251.52).

SEC. 14. The claim and allowance of the value of a conservation easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

SEC. 15. As used in this Act, the term—

(a) "River" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, small lakes, and, as provided in this Act, manmade waterways.

(b) "Free-flowing", as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national scenic river system shall not automatically bar its consideration for such in-

clusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national scenic rivers system.

(c) "Conservation easement" means a perpetual interest in land, however created or expressed, which interest (i) is held by or for the benefit of the United States or the people of the United States, a State or the people of a State, or another public body or the people of such body, (ii) is specifically enforcible by its holder or beneficiaries, and (iii) limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of the land and activities conducted thereon, the disturbance or modification of the surface or subsurface thereof, the structures placed or maintained thereon, or the growth, planting, removal, destruction, or damaging of vegetation thereon, or in other respects in connection therewith, all as more specifically spelled out in the document by which such interest in land is created, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it and of flora, fauna, and archeological or historic remains on it or them and the preservation of the values thereof for scientific study and for public enjoyment by present and future generations.

SEC. 16. There are hereby authorized to be appropriated such sums as may be necessary, but not more than $17,340,000, for the acquisition of lands and interests in land under the provisions of this Act.

The SPEAKER. Is a second demanded?

Mr. STEIGER of Arizona. Mr. Speaker, I demand a second.

Mr. McDADE. Mr. Speaker a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McDADE. Mr. Speaker, does a Member have to be opposed to the bill to demand a second?

The SPEAKER. Under the precedents of the House, a Member who demands a second must be opposed to the bill.

Is the gentleman from Arizona opposed to the bill?

Mr. STEIGER of Arizona. I am opposed to the bill, Mr. Speaker.

The SPEAKER. The gentleman qualifies.

Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from North Carolina [Mr. TAYLOR] is recognized.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may desire to the gentleman from Colorado [Mr. ASPINALL].

(Mr. ASPINALL asked and was given permission to revise and extend his remarks.)

Mr. ASPINALL. Mr. Speaker, we are now about to consider H.R. 18260, to provide for a national system of scenic rivers. Some Members may wonder why a bill with such a high number as this is being considered so quickly. The answer is, of course, that this is a clean bill that was introduced following committee consideration of 17 other wild or scenic rivers bills that had been referred to it. It includes all the committee amendments that were adopted to the one of these 17 bills that we worked from during markup.

In one way, Mr. Speaker, I am inclined to believe that H.R. 18260, though it involves comparatively little money, will prove more productive over the years than almost any other measure in the parks and outdoor recreation field that we have considered this Congress or, for that matter, the last few Congresses. The only exception to this statement that I can think of is the original Land and Water Conservation Fund Act of 1965, and the amendments to it, that became law when the President signed them this morning.

What we are doing here in H.R. 18260 is not only setting aside segments of six of our most scenic rivers for permanent preservation and another 28 for study but, more important, we are legislating a long-run policy and, we hope, a pattern for the future. I mean this: We are deciding today that it is time to say that there are some streams that ought to be preserved for this and future generations in as pristine condition as they can be preserved; that notwithstanding the possibility that these streams, or some of them, might sometime yield some private economic advantage, they have other values that outrank this one and that there ought, therefore, to be no intrusion on these streams that we in the Congress can prevent; and that we ought to encourage the States to take a look at the streams within their boundaries and, if it is their judgment that some of their streams have the same sort of values that we seek to preserve, we ought to give them the same protection that we give federally designated scenic rivers.

Mr. Speaker, it will be evident to anyone who reads the history of the development of this legislation that the Committee on Interior and Insular Affairs has been quite selective in the list of rivers included in the bill for immediate authorization and for study. Several years ago the Department of the Interior and the Department of Agriculture compiled from various sources a list of 650 or more rivers that were thought to be worth at least a preliminary look. Then the list was culled and about 10 percent of these 650—67 to be precise—were designated for somewhat more thorough consideration. This list was again culled and 22 of the 67 were given more intensive study. Of the 67 and the 22, the administration recommended on February 13, 1967, that nine be authorized immediately and that 35 be put in a study category. The result of our committee deliberations was a further paring down. We have, as I said before, six rivers in the immediate category and 28 in the study category.

The six that we have included in the immediate category are the Middle Fork of the Clearwater in Idaho, a part of the Rio Grande in New Mexico, segments of the Rogue in Oregon, a part of the St. Croix and the whole of its tributary, the Namekagon, in Minnesota and Wisconsin, the Middle Fork of the Salmon in Idaho, and an important part of the Wolf in Wisconsin. In addition, the bill provides for including in the system another part of the Wolf in Wisconsin and the Allagash in Maine as State-designated rivers if the Governor of the State concerned requests that this be done.

Since four of the six immediate rivers are largely on public or national forest lands, the overall cost of acquiring the land and easements that are needed to protect the six—about 204,000 acres in all, or an average of 320 acres per river mile—will be only $17,340,000 under present land prices and estimates. At least part of this cost, and perhaps all of it, will be defrayed from appropriations from the land and water conservation fund. The cost of the studies that are to be undertaken will, it is estimated, be about $50,000 apiece on the average, or $1,400,000, and this expenditure will be spread over a period which may be, though I hope it will not be, as long as 15 years.

I want to say at this point that we have given serious attention to the advice given us by Members of the House with respect to rivers in their districts. They know better than we do the value of these rivers. While, of course, the House cannot put itself in the position of saying that anything an individual Member wants or does not want for his district is conclusive, it is an important consideration. I have every reason to believe, therefore, that all Members who appeared before our committee or wrote to our committee in support of exclusion or inclusion of a river will find themselves fully satisfied.

Mr. Speaker, there is much more that I could say about H.R. 18260 but time is short and I want to give other Members—particularly the ranking minority member of our committee who is the principal sponsor of H.R. 18260 and the chairman of our Subcommittee on National Parks and Recreation—a full opportunity to express their views on this bill. I shall, therefore, stop at this point, merely pausing long enough to express the hope that the rules will be suspended and the bill passed unanimously. I urge that this be done.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from New York.

Mr. STRATTON. I thank the gentleman from Colorado for yielding to me at this point.

I want to ask the gentleman from Colorado a question. I want to ask whether my understanding is correct, that the Susquehanna River, all the way from Cooperstown, the home of the Baseball Hall of Fame, which is located in my particular district, down to the mouth of the river in Maryland, is included in this legislation? The last time I heard about this question the Susquehanna was one of the deferred rivers.

Mr. ASPINALL. There was never any condition to the effect that they were going to freeze these developments all the way, and I am a little amazed that this is of such broad scope that under a limitation of debate it cannot be thoroughly gone into.

However, may I say to the gentleman from New York that the procedure of suspension of the rules is all that is left open to us.

When we do go to conference on this legislation, if we do, and a conference will be possible because of the differences in

the legislation as proposed by the two bodies of the Congress, the river to which the gentleman is referring will be in conference.

It is true that for a definite time after a study begins that there will be a locking up. This is what is bothering so many of our Members at the present time.

Mr. Speaker, all I can say here is, that if the Members wish, and the record is made in this debate, we shall take all these matters into consideration in conference.

On the other hand, if the gentleman from Pennsylvania, the chief sponsor of the legislation, sees fit to explain this provision when he takes the floor, I shall be pleased to have his interpretation and answer to the gentleman's questions.

Mr. STRATTON. I thank the distinguished chairman of the Committee on Interior and Insular Affairs again for yielding to me, and I would like to ask him one further question: Is it true that even though this river is only on the study list, any efforts to establish industry along this river and attract new business, any development of new recreational facilities, will have to be frozen until the study has been completed?

Mr. ASPINALL. I want to answer my friend in the manner which I understand the situation to be, but I wanted also the distinguished gentleman from Pennsylvania to make his position known.

As I understand it, there will be a freeze when that study starts. That freeze will keep any development from taking place from the period provided in this legislation.

When we had the legislation before us the first time we had a 15-year period during which to conduct these studies. Many of us thought 15 years was too long and we put it back to 5 years.

However, if the Members of the House of Representatives think 5 years is too much or if they do not want any study similar to what is proposed, then, of course, we will have to be guided accordingly in the conference committee.

Mr. STRATTON. Mr. Speaker, if the gentleman will yield further, did I understant that any development would have to be provided for under a Federal license?

Mr. ASPINALL. That is correct. The license would have to come out of the Federal Power Commission.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am happy to yield to my distinguished friend, the gentleman from Pennsylvania [Mr. FLOOD].

Mr. FLOOD. Mr. Speaker, I am sure this committee is aware of the fact that several years ago I was disappointed in not obtaining a comprehensive survey for this entire river, although a study has been going on for a period of 5 years and it has cost the Government, so far, $5 million.

It is to be completed next year at a cost of $6 million. We have a complete comprehensive survey of this river by the Army Engineers, I repeat, for the purpose of emphasis, for 5 years, at $6 million. I suggest the need for another study on top of that study is pretty remote.

Mr. ASPINALL. May I reply to my friend from Pennsylvania, that as far as I know we never had such information before our committee.

Mr. FLOOD. I am sure of that.

Mr. ASPINALL. And that if we had such information, there more than likely would have been a request, to eliminate the stream, and this particular river would not have been included. It would not have been included because, I can advise my friend from Pennsylvania and all other Members of Congress, that we included no river within this study on which an objection was made by the Members in whose district the river was situated.

Mr. FLOOD. If the gentleman will yield further, one of my colleagues from the other side of the aisle was in touch today to my knowledge with the secretary of forests and waters of the State of Pennsylvania, who was for this bill until I told him to read it. Now the Governor and the secretary of forests and waters, having seen the bill—and this language was not in the bill, as they were told, this has been put in at some subsequent time—now Pennsylvania is against this whether it is in or not.

This river has been studied to death at a cost of $6 million.

Mr. Speaker, I am sure I have never voted against a bill from this committee in the 22 years that I have been in Congress, not one—not one—and I should have many times—out of deference to this committee for which I have the greatest respect. I am positive the members of this committee did not have the information that I am presenting to the House.

Mr. ASPINALL. I believe the gentleman is correct.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. KYL. I thank the gentleman for yielding.

I believe a further word is warranted as far as the comments of the gentleman from Pennsylvania are concerned. In this particular legislation there are a number of conflicts, and the House should be aware of the possible conflicts. You cannot have a scenic river, for instance, with a series of dams for flood control, or for any other purpose. You cannot have a highly protected scenic river and at the same time have new industrial growth along its banks, or new residential growth. That is why the committee of the House tried to go much slower than the other body had gone in this piece of legislation.

This is a very serious matter. Should a river be preserved in a completely wild state? Should a river be preserved as a scenic river, as a pastoral river, or is there a better and higher use? On all those rivers which are designated to fall into this program, any investigation must determine what kinds of uses will be permitted or denied. It is a real problem that needs considerable study.

Another reason why this bill is much more limited than that offered by the other body, is that under the terms of even the House bill there could be an expenditure of billions of dollars if every stream in the country that someone wants to qualify would be included in the program. I believe the House must be aware of this. Further, I would state to the gentleman from Pennsylvania, that this bill would obviously have to go to conference, and I would recommend that the gentleman from Pennsylvania make his point there.

Actually, the Corps of Engineers has studied this river from one angle, the Department of Interior would study it from the other angle of saving the scenery, purifying the stream and using it for for recreational purposes of all kinds.

Mr. TAYLOR. Mr. Speaker, if the gentleman will yield, I would like to state that the Susquehanna is No. 26 in the bill, and it says:

> The segment between a dam at Cooperstown, N.Y., and the town of Pittston, Pa., and the segment of the West Branch Susquehanna between Clearfield and Lock Haven, Pa.

That is in the original bill introduced, and this is exactly the same language; no change was made in the language by the committee.

Let me state, had objection been made by Members of Congress to this river, it would have been deleted as others were, and it can be deleted in conference if the Congressmen from that area do not want it.

Mr. FLOOD. If the gentleman will yield further, I am for the deletion; the fact that it was once in the bill originally in the first language written, it was just as bad then for the purposes I address now.

Mr. ASPINALL. Let me say to the gentleman from Pennsylvania that, when the bill came from the administration, the provision was in it.

May I say also that, if the gentleman from Pennsylvania [Mr. SAYLOR] is so inclined, and apparently he has been up to this time, this provision of the bill could be taken out in conference. I would join in such endeavor.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to my friend, the gentleman from Pennsylvania.

Mr. SAYLOR. I would remind the chairman of the full committee that, as the chairman of the subcommittee, the gentleman from North Carolina [Mr. TAYLOR] said, we have been considering this bill since 1963, and whenever any Member came before our committee and asked to have a river taken out, we have taken it out, and we will still take it out when we go to conference.

Mr. FLOOD. Mr. Speaker, if the gentleman will yield further, I have consulted with my colleague, the gencleman from Pennsylvania, before I talked to many of my friends from the New York and Pennsylvania delegation for 20 years about bills from this committee and have acted upon his advice year after year after year, and the chairman, my cowboy friend from Colorado without exception—with no exception. So out of an abundance of caution, I might add to

you present in the hall from Idaho, Tennessee—and this might sound like a convention—Georgia, South Carolina, North Carolina, Pennsylvania, Missouri, Montana, Oregon, Ohio, Wisconsin, Minnesota, and Washington—you had better hear what I say—you are in the same boat.

Mr. ASPINALL. I might say to my picturesque friend from Pennsylvania that if he had once said something to me about his position—and had not taken me for granted—perhaps we would not have this debate at this particular time.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. HARSHA. I would like to ask a question along this same line. I notice in section 5 it includes the Miami River for a study. It includes the entire river. Does that mean just what it says—or does it mean branches or parts of the river?

Mr. ASPINALL. May I say to the gentleman, it means exactly what it says. As I remember the matter, the request was made for the language that is presently in the bill.

Mr. HARSHA. I have in my congressional district a project which is in process of construction by the Corps of Engineers, a large flood-control reservoir. They are in the process now of buying rights-of-way and they have bought some rights-of-way. Money has been appropriated to initiate the construction. Does this preclude the Corps of Engineers from proceeding with that project?

Mr. ASPINALL. I would say to the gentleman that the study would hold it up for the time period, so far as the Federal Power Commission licensing authority is concerned.

Mr. HARSHA. There are no power facilities to be installed. What about the Corps of Engineers?

Mr. ASPINALL. As I understand the matter, the provision referred to has nothing to do with the Corps of Engineers.

Mr. HARSHA. In other words, this is solely a flood-control and recreation project and water conservation.

Mr. STEIGER of Arizona. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it should be very apparent at this time that this bill is going to be of some concern to many Members.

I would just point out in addition to the instant rivers, the ones taking effect immediately, there are over 650 potential rivers that will be in the same situation, the Susquehanna and other rivers of concern to the gentleman from Ohio.

We are talking about a scenic rivers bill that actually circumvents, in my view, the previous action of this House of Representatives.

The House of Representatives passed a bill establishing a National Water Commission whose mission was to determine the needs and the resources available among other things in the rivers of this country.

We also provided for a Water Resources Planning Act whose mission was much the same.

Now, gentlemen, this bill, in virtually every aspect, supersedes both the National Water Commission and the Water Resources Planning Act. Perhaps most significantly of all, this bill gives the Secretary of the Interior and the Secretary of Agriculture, on the approved scenic rivers, the right of condemnation for one-quarter of a mile back on either side of the river for the full length of the river or as much of it as lies within the scenic designation.

This permits 320 acres per mile to be condemned by the Secretary of the Interior and/or the Secretary of Agriculture in order to preserve the scenic values.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Arizona. I am happy to yield to the gentleman from Florida.

Mr. FUQUA. I appreciate the gentleman yielding. I would like to ask someone a question, because located in my congressional district is the Suwannee River, and that river is covered in section 5 of the bill. We already have a study underway. I am wondering how soon this study can be expedited, because this river is privately owned from where it begins in the State of Georgia to where it ends in the Gulf of Mexico. I wonder if someone could give me some idea. I certainly hope we do not have to wait 15 years to get the completion of the study.

Mr. STEIGER of Arizona. Under the terms of this bill, the appropriate Secretary would have up to 5 years to complete a study. There is nothing in the bill itself that grants the 28 rivers priority in the study section language of the report, which ranks them in any order. I would assume that since the study is already underway, there is a good chance the study will be accelerated. However, there is nothing in the bill that provides for priority among the 28 study rivers.

Mr. FUQUA. On page 12, line 24, there is a statement that the greatest priority should be given those rivers that are most likely to have development. I would hope that we could get a study completed.

Another question is, what would happen if someone wanted to build a vacation home on the banks of the river and have the right to build a pier in front of his cottage? Would this be permitted under the study provisions of the bill?

Mr. STEIGER of Arizona. Yes; only those functions of the Federal Government would be involved in the preservation so far as the markup is concerned.

Mr. FUQUA. I thank the gentleman for yielding.

Mr. GROSS. Mr. Speaker, with the gentleman yield?

Mr. STEIGER of Arizona. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. It seems to me that we have reached the slaphappy hour tonight in this business of suspending the rules for the consideration of bills. Now we are told that if Members are not satisfied with what is being done, just go to the conference committee, to the managers on the part of the House and the Senate—perhaps six or eight Members—and try to correct the bad features of the legislation.

Mr. Speaker, this bill should be sunk without a trace.

Mr. STEIGER of Arizona. The gentleman from Iowa might be interested to note that while this bill carries a price tag in excess of $17 million for the eight instant rivers, the 28 study rivers offer a potential far in excess of that for an expenditure that is being—at least in theory or in spirit—that is being authorized at this time.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from Kentucky.

Mr. CARTER. I thank the gentleman for yielding. As it happens, there is a river in my State on which a dam is proposed called the Devil's Jump. This dam is approved by the State of Kentucky, by the State of Tennessee, and the Representatives in the neighboring area. I know of no Representative in this area that is for a wild river on the Big South Fork of the Cumberland River. But, Mr. Speaker, this has been included. Certainly I was never asked anything about it.

Therefore, I believe, as the chairman has stated, he will remove this, barring objection from other Members of Congress. I regret that it is impossible to do at this time, and I thank the distinguished gentleman for yielding.

Mr. MAILLIARD. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Arizona. I am glad to yield to the gentleman from California.

Mr. MAILLIARD. I wish to ask a question about the rivers that are actually specified—not the ones in the study group, but the instant ones. I could not find the answer from reading the report. Is it intended that all private property be taken over in the segment of the river that is designated, or are there alternatives to Federal acquisition of private property?

Mr. STEIGER of Arizona. On any of the eight rivers in the instant section, the appropriate Secretary has the right of condemnation on any of the deeded lands which he feels is necessary to preserve the scenic values of that river. It does not mean that all private land will of necessity be acquired by the Federal Government, but it gives the option to acquire all of it if the Secretary so sees fit.

Mr. MAILLIARD. If the gentleman will yield further, would he also, under this legislation, have alternatives, like giving people a life estate, or would he be limited in condemning or acquiring?

Mr. STEIGER of Arizona. No; he may, in addition to condemning and acquiring, exercise the option of granting a life estate, scenic easement, or any one of the Federal tools now available in other similar situations.

However, he can exercise this option at his judgment on any of the deeded land along the rivers in question.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from Ohio.

Mr HARSHA. Mr. Speaker, I appreciate the gentleman from Arizona yielding to me.

Of course, time precluded my getting a complete answer from the gentleman previously in the well. Can the gentleman assure me a flood-control project on the Little Miami River, in which the Corps of Engineers is presently in the state of purchasing right-of-way, would not be stopped by being included in this section 5?

Mr. STEIGER of Arizona. It is my understanding that the Corps of Engineers projects and the Bureau of Reclamation projects, which are already approved, will remain approved and be carried out.

This will lock up any subsequent reclamation or Corps of Engineers projects.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from North Carolina.

Mr. TAYLOR. Mr. Speaker, this legislation does not have any effect on projects under construction. The only prohibitation is on the first asking money for construction.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Speaker, we have a difference of opinion there, because the Corps of Engineers categorizes their first construction money as construction money, but technically it is used for right-of-way purposes. There is no condemnation or reclamation. This affects a great many people and involves a great many millions of dollars and the economic welfare of the community. Can the gentleman assure me under those circumstances that the project will not be precluded from proceeding in the normal fashion, or will it be detained or delayed in any manner?

Mr. STEIGER of Arizona. It is my understanding—and I would stand corrected if the chairman of the subcommittee so indicates—that this project would not be so affected, because it has already been approved.

Mr. HARSHA. Will the gentleman yield to the chairman of the subcommittee for that same assurance?

Mr. STEIGER of Arizona. I yield to the chairman of the subcommittee.

Mr. TAYLOR. Mr. Speaker, that is my understanding.

Mr. LAIRD. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from Wisconsin.

Mr. LAIRD. Mr. Speaker, it is my understanding that the instant rivers—which happens to include the Wolf River in Wisconsin—that funding on these projects, if approved, immediately there will be no further study involved as far as the instant rivers are concerned.

Mr. STEIGER of Arizona. That is correct. That is, these instant rivers have actually circumvented the studies.

Mr. LAIRD. The studies have already been completed. In the case mentioned by the gentleman from Ohio, those studies are not completed and it would not be involved as far as stopping any reclamation project or any Corps of Engineers project.

Mr. STEIGER of Arizona. The gentleman from Wisconsin has a misconception. I would like to make it very clear it is being in that category of a study river that locks up the river for a minimum of 5 years. It is just the study designation that locks it up for 5 years.

That is one of my major objections to this piece of legislation. We have just seen the gentleman from Kentucky mention that he has a river that has some development contemplated that will be jeopardized by this study.

Mr. LAIRD. The study will stop not only the Corps of Engineers but also any reclamation project on a study river, even though that project is in process now?

Mr. STEIGER of Arizona. No, it will not interrupt it if it has been presently approved.

Mr. LAIRD. But only those that have not been approved, it will interrupt?

Mr. STEIGER of Arizona. That is correct.

Mr. LAIRD. That is my understanding.

Mr. STEIGER of Arizona. That is correct.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from Indiana.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from Indiana.

Mr. HALLECK. Mr. Speaker, I must say I have always been a great advocate of suspension of the rules to bring about expeditious consideration of legislation. However, it does seem to me from the conversations we have had here and with all the question about these various rivers, and in view of the fact that when we vote for this, we take the whole business, or, if we vote against it, we do not take any of it, there is no opportunity for any individual Member or representative of any area of the country to express his opposition and have that matter determined here in the Committee of the Whole and be stricken out.

I am for scenic rivers, because nobody here likes to fish any more than I do, and I yield to no man in that, but in my district I have a great deal of country locked up, as apparently much will be locked up here. Those people do not know whether they are fish or fowl, they cannot improve their property, and they cannot sell, and they do not know what to do.

That is the reason, as far as I am concerned, that I must say about this procedure here, it seems to me, it would have been much better if we had brought it up under a rule.

I say that with all deference to the great chairman of the committee, for whom I have the highest regard.

I recognize that sometimes these things can be adjusted in conference, and I believe the gentleman would do that so far as he could, but sometimes we cannot prevail in those conferences with the other body.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Arizona. I am happy to yield to the chairman of the full committee.

Mr. ASPINALL. This is all very well. The chairman of the committee having jurisdiction asked for a rule. We were not heard within time.

We have been working on this bill. Every Member in this House should have known that this bill as such was before our committee and that we were putting rivers in and putting rivers out at the wishes of the Members involved. We were trying to bring up a bill that would show to the Members what is involved.

My friends, you cannot have your cake and eat it, too. Keep that in mind.

If you are going to have development of the rivers, and build your homes at the expense of the public's enjoyment, if you are going to have powerplants, if you are going to have cities, then that is what you will have. But if you are going to set aside some rivers to enjoy them as rivers, you had better make up your minds to do that.

That is the reason why we have this legislation before us.

The gentleman from Arizona now in the well pointed out some of the difficulties on this legislation, and he has expressed himself very well.

All I can say is that you cannot, in my opinion, in this session, take care of this bill on the floor of the House, even if you have a rule, for the simple reason that there is no common way by which you can get the Members to agree on what they want in it and what they want out of it.

If you are going to have scenic rivers, you are going to have scenic rivers. You are not going to have anything halfway in between.

Mr. STEIGER of Arizona. I should like to make it perfectly clear that anyone who is on the subcommittee under the chairmanship of the gentleman from North Carolina is aware of the fact that the chairman of the full committee [Mr. ASPINALL] has labored long and hard, as hard as any Member on the subcommittee, on this particular piece of legislation. He has made every reasonable effort—and, so far as I am concerned, beyond reasonable effort—to contact the Members of the House to make them aware of the rivers in this bill and what the bill does.

It is my position that in spite of the near-heroic efforts both of the chairman of the full committee and of the chairman of the subcommittee this bill is so broad in concept and approach it simply does not brook the type of safety we need.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield further?

Mr. STEIGER of Arizona. I yield.

Mr. ASPINALL. Would not the gentleman say that this is a very much cut down bill from the one we started with and from the one which came over from the other body?

Mr. STEIGER of Arizona. Without a doubt that is true.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from Iowa.

Mr. KYL. I should like to read from page 13 of the bill:

No study otherwise required by this section shall be undertaken or pursued in the case of any stream or section of a stream which the Governor of the State in which it is lo-

cated certifies the State or one of its agencies or political subdivisions is prepared to study for the purpose of determining whether it should be proposed.

I should like to say one other thing, if the gentleman will yield further.

I am happy the bill does come to the floor under this circumstance, because it illustrates the point which so many of us have been trying to demonstrate for so long.

The gentleman from Colorado in this case has helped to bring a bill to the floor. A while ago other Members on the floor were chastising the gentleman from Colorado because he did not have a big enough Redwood Park bill. That Redwood Park is in a couple of counties in California, and those people who live there have their livelihoods involved in this proposition. We always try to consider all interests. Sometimes we cannot satisfy all elements with equity. Then we must look to the matter of best and highest use.

Every time we have one of these bills, it is easy for the conservationists from coast to coast to write to the Members and to tell them, "You have to vote for this bill because it is the greatest thing since the creation of Yellowstone Park."

But there are always conflicts. The gentleman from Ohio [Mr. HARSHA] should know that actually there are some rivers which are being preserved by this bill solely because people do not want other kinds of development being planned.

If we had held this bill in committee longer, much criticism would have been directed to us. We have not tried to hide any facts. We present the bill honestly for your consideration.

Mr. STEIGER of Arizona. I thank the gentleman from Iowa. I am glad he used the word "preserved" instead of "conserved."

Mr. McDADE. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from Pennsylvania.

(Mr. McDADE asked and was given permission to revise and extend his remarks.)

Mr. McDADE. Mr. Speaker, I thank the gentleman for yielding. I believe this is one bill, we have seen tonight, where the House ought not to suspend the rules and pass the bill. Although I favor the concept of scenic rivers, the procedure used tonight, and the fine print in this bill, force me to oppose it. For I cannot amend it or perfect it, and it needs both.

Let us understand for a second what this bill is. There are seven rivers—you have heard them called instant rivers—which the Federal Government under this bill immediately takes possession of and puts into the scenic rivers system. There are 28 other rivers around the Nation. You heard my colleague from Pennsylvania describe some of the States in which they are located: Georgia, North Carolina, New York, South Carolina, Oregon, Wisconsin, Minnesota, and others. They are supposed to be studied. That is the language that we hear thrown back and forth on this floor. However, in this instance, the word "study" means much more than it normally does. Let me read you from the committee report on this bill:

H.R. 18260 gives the rivers in the study category substantially the same protection against developments under Federal license, loan or grant and under Federal construction programs and the like as it does the rivers which are immediately included in the National Scenic Rivers System, but this protection is limited to the 5 years following the date H.R. 18260 is enacted plus such time as Congress may need (not more than 3 years, however) to decide whether to include a river in the National Scenic Rivers System on which a favorable study report has been made.

This is for 8 solid years. It seems to me this is like bringing in a verdict before the jury is even out. And that verdict is: put these 28 rivers into isolation for up to 8 years. We ought to study these rivers before we try to freeze them in their present category. This is a classic illustration of a case where the House should not suspend the rules. I urge all my colleagues to vote against such a procedure on this bill.

Now I am glad to yield to my colleague from Pennsylvania [Mr. GREEN].

Mr. GREEN of Pennsylvania. Mr. Speaker, I thank my good friend, for yielding. I am glad to associate myself with my colleague [Mr. McDADE]. I will not take his time to repeat what he has said. But rather rise to associate myself with his remarks.

Mr. McDADE. Mr. Speaker, I want to indicate, also, to the Members of this body the confusion that exists on this bill is not just here in this Chamber today. I hold in my hand a telegram from the Commonwealth of Pennsylvania. There are 7 rivers in Pennsylvania which are put under the so-called study that the Commonwealth of Pennsylvania originally favored until they found out, as my colleague from Pennsylvania [Mr. FLOOD] said, what is in the bill. Here is the telegram from Governor Shafer urging us not to suspend the rules and urging us not to pass this bill.

We all have great prerogatives in this House which we treasure. Let us send this bill back to committee. If it takes a year to write proper legislation, these 7 instant rivers will still be there. The others we can move on and they can be looked at individually. They can be developed in an orderly way, after study and not so as to freeze them in and prevent any development for almost a decade. I urge my colleagues to vote against suspending the rules on this bill.

The SPEAKER. The time of the gentleman from Arizona has expired.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. STRATTON].

(Mr. STRATTON asked and was given permission to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, I rise in opposition to the motion to suspend the rules and pass this bill.

I think we all know what happens when we try to legislate beauty and scenic wonder under duress. We stayed here until 12 o'clock 3 years ago to pass the Highway Beautification Act. We all want beautiful highways, of course. We certainly want scenic rivers, but the Members of the House will remember a few days ago I read to this House a report prepared by the Rensselaer Polytechnic Institute in Troy, N.Y., which showed that the billboard section of that beautification legislation would have driven 25 percent to 35 percent of the small tourist businesses to the wall. So we took the money for highway beautification out of the legislation the other day.

Now we find that in the interest presumably of protecting wild rivers we may well be creating havoc on some of the rivers in our own areas. With respect to the Susquehanna River in New York, for example, the Federal Power Commission, on page 17 of the bill, would be prevented from approving any dam or water project on any one of these rivers. At Colliersville in Otsego County in New York, the New York Gas & Electric Co. is prepared to close down a dam and a power project on Goodyear Lake. If they do, a lake on which some 200 houses and summer cottages are situated could be drained and destroyed. Under this bill the Federal Power Commission would be prevented from letting the village of Milford, where Goodyear Lake is located, take over and restore that dam. This would create chaos for hundreds of families. I certainly think we ought to defeat this legislation.

Mr. ROBISON. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I am glad to yield to my colleague from New York.

Mr. ROBISON. Mr. Speaker, I thank my colleague for yielding so I could say that I intend to join him in voting against suspending the rules in order to pass this bill, H.R. 18260.

I sincerely regret that I feel it is necessary to so vote, for I have been and remain generally sympathetic to the purposes this measure—sometimes known as the "Scenic Rivers Bill"—would serve. However, enough questions have already been raised here tonight about certain of the provisions it contains and their actual effect—questions which have not been and, under these circumstances, apparently cannot be adequately answered—to lead me on conclude that such a vote is the only proper course for us to follow.

It has been suggested that we might, somehow, seek clarification of these provisions that have been brought under question in the forthcoming conference with the other body, or that in that same fashion we might also seek to obtain whatever changes ought to be made in the bill—changes that, under this procedure, cannot be made through the normal amending process. But I cannot imagine any of our constituents—including those who may strongly support this measure—approving our having recourse, under the pressures of the current urge to adjourn for the year, to this sort of irresponsibility.

It may be all right to legislate—or attempt to legislate after dark, as we are doing here tonight toward the end of what has been a very long and full day. But it is surely not wise to attempt to legislate in the dark, and that, it seems to me, is what we are asked to do here.

I have heard the chairman of the full committee state as his opinion the probability that, if we turn this bill down under these procedures, it is too late in this session, or whatever may remain of it, to get a rule and to bring

the bill up under regular procedures, with adequate time for full discussion about it, and adequate opportunity for whatever amendments this House, in its wisdom, might deem appropriate. I would hope that is not so. I do not see why it need be so but, even if it is, then I feel it would be better for those interested in the future development and preservation of the beautiful Susquehanna River that runs through my district to take whatever delay may now be involved in moving consideration of this bill along rather than to make a mistake, tonight, that would be difficult to correct in the next Congress.

Mr. Speaker, this measure has substantial and wide-ranging meaning. It deserves full and careful consideration. Let us give it that kind of consideration—and let us make sure we know what we are doing.

Mr. TAYLOR. Mr. Speaker, I yield myself the time remaining on this side.

(Mr. TAYLOR asked and was given permission to revise and extend his remarks.)

Mr. TAYLOR. Mr. Speaker, permit me to state for the RECORD that this legislation has been studied for years. This is certainly not a new program. We heard witness after witness with reference to the provisions of the bill and we tried to get as many Members as possible to appear and testify with reference to the provisions of the bill. We tried to give every Member an opportunity to be heard. I further say that we deleted all rivers where a Member of Congress in whose district it was located requested it. However, Mr. Speaker, many rivers in this Nation need this protection.

Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. KYL].

(Mr. KYL asked and was given permission to revise and extend his remarks.)

Mr. KYL. There is one further matter that, in my opinion, needs clarification if this bill passes and does go to conference. This matter was called to my attention by the gentleman from Pennsylvania [Mr. GOODLING]. In the case of a private utility which is operating under a Federal license which expires in the next 5 years, there is some question as to whether that license can be renewed as long as that river is under study. This question should be resolved.

Mr. Speaker, I hope that this bill can be passed. The other body passed a bill which is much broader than the one being considered here today. Obviously there are a lot of things that have to be considered in conference, but I say again that the Committee on Interior and Insular Affairs in trying to respond to the demands of our citizens, has brought this bill to the floor of the House today for your consideration. I hope the House will support the committee in its efforts to pass the bill.

Mr. STEIGER of Wisconsin. Mr. Speaker, with all the controversy now being raised about this legislation I hope we will not lose sight of the bill's good parts and I want to indicate my support for H.R. 18260.

The State of Wisconsin took cognizance of the need for action relating to the Wolf River. In 1965 we adopted legislation designed to assist in the preservation of this valuable scenic river. I was proud to support Wisconsin's initiative at that time and I support the pending bill because it will supplement Wisconsin's work in preserving the Wolf as a scenic river.

I urge passage of this bill in order to insure that something is done in this session on this vitally important scenic rivers system.

Mr. TAYLOR. Mr. Speaker, I rise in support of H.R. 18260. The chairman of our full committee has already named the rivers that are included in the bill for immediate authorization and the way in which both they and those that are named for study were chosen. In view of this I want to dwell particularly on three other aspects of the bill: First, the importance of State action under the bill, second, the effects of the bill on activities of the Federal Power Commission and other Federal agencies, and third, the steps that are required for future authorizations.

Before I discuss these, however, I would like to point out to the House that this bill has been a long time germinating, and that we are not asking the House to accept some hastily contrived new scheme of things. The concept that we ought to recognize and preserve some of our outstandingly beautiful scenic rivers is one that goes back at least 8 or 10 years and has been worked on ever since. The Congress itself and some of the State legislatures have set the pattern on which this bill generalizes. I refer, for instance, to the authorization of the Ozark National Scenic Riverways by the 88th Congress, the designation of the Allagash Wilderness Waterway by the legislature of the State of Maine in the last year or so, and the work of the legislature of the State of Wisconsin in setting aside a stretch of the Wolf River for perpetual preservation. All of these are important precedents for what we are going to do today.

I have just referred to two important actions by State legislatures. One of the important principles on which H.R. 18260 is built is that the States should be encouraged to do as much of this sort of work as they can. This shows up in the bill in a number of ways. It shows up, for instance, in the direction given the Secretary of the Interior and the Secretary of Agriculture in section 5(c) not to study any river named in the bill which the Governor of the State concerned says the State or one of its political subdivisions is prepared to study. It shows up in the provision of section 2(a) to the effect that any stream designated a scenic river by or pursuant to the action of a State legislature may be given the status of a component of the National Scenic Rivers System upon request of the Governor of the State and a finding by the Secretary of the Interior that it meets the standards of the act. It shows up in section 11(a) where the Secretary of the Interior is required to encourage the States to include scenic rivers in the statewide outdoor recreation plans they are formulating under the Land and Water Conservation Fund Act. And it shows up in the fact that State-designated rivers, which are included in the National system are, although they will be administered by the State at its own expense, given precisely the same protection against adverse Federal agency action that federally authorized scenic rivers are given. In short, we want the States to take on as much of the job as they can and, in writing the bill, we encouraged them in every way we could to do this.

Now let me turn to my second point—the effect of designation of a right or a stretch of a river as a national scenic river on Federal agency activities. One aspect of this question presented the committee with one of the most difficult problems it had to wrestle with. It is easy enough to say that no dams or reservoirs are to be built on a designated stretch of river, but how far upstream and downstream should the effect of designation of a stretch of river as a component of the national scenic rivers system carry? We resolved this by saying in section 7(a) and 7(b) of the bill that, though the Federal Power Commission shall not license any project "on or directly affecting" any river in the instant category or, for a limited period, any river in the study class, this prohibition should not preclude licensing developments above or below that stretch if the development will not actually invade the area—for instance, by creating an impoundment that floods part of the area—and will not otherwise diminish the values for the preservation of which the stretch of water in question is being designated or studied for possible designation as a component of the national scenic rivers system for instance, by diverting so much water above the stretch that it is no longer a living stream that has the scenic beauty and can support the recreational uses, the fish life, and so on, that it had or could support at the time it was created a scenic river. Comparable provisions are written into the bill to guard against adverse action by other Federal agencies and by organizations aided by those agencies—for instance, the Corps of Engineers and the Bureau of Reclamation—without full knowledge of and action by the Congress. Likewise, there are provisions in the bill to guard against adverse agency action under Federal auspices arising out of the disposal of public lands and the application of the mining laws. All of these provisions are applicable both to Federal components of the national scenic rivers system and to those components of the system which are designated by the States and approved by the Secretary of the Interior for inclusion in the system. They are also applicable for 5 years and a limited time thereafter to the rivers which the bill names for study.

A third feature of the bill to which I want to address myself is that having to do with future authorizations for inclusion in the system. I have already mentioned that there is provision for State designation of rivers which, upon a finding by the Secretary of the Interior that the river has the qualities which the bill contemplates, will be included in the

national system. One thing that the Secretary of the Interior must do before he gives this approval is to obtain and consider the comments of all interested Federal agencies—the Department of Defense, the Department of Agriculture, the Federal Power Commission, and so on. We have included this provision in order to insure not only that these agencies will be fully informed as to what the States are proposing but also so that their activities and those of the Secretary of the Interior can be coordinated with each other.

With respect to rivers contemplated for Federal designation we have these provisions: First, the Secretary of the Interior and the Secretary of Agriculture are given 15 years in which to study the 28 rivers named in the bill with a direction that they shall give top priority to those that are most in danger of being subjected to developments which, if carried out, would render the rivers ineligible for inclusion in the National Scenic Rivers System. During the first 5 of these 15 years, the rivers are given the protection against adverse Federal agency action, that I have already referred to. Section 4(a) of the bill spells out the sort of material that is to be included in the study. Once a study is completed, it must be referred to the Governor of the State concerned unless the land through which it flows is already owned by the United States.

Though there is no requirement for public hearings by the agency conducting the study, our committee report makes it clear that these should be held whenever there is sufficient local interest to warrant them. The proposed report of the Secretary conducting the study must also be referred to the other interested Federal agencies for comment and criticism. After this is done and the comments are evaluated, a final report is to be prepared and submitted to the President and the Congress. Finally, it is up to the Congress to act or not to act. No federally administered river can be named into the national scenic rivers system without going through this whole process, including congressional authorization. I think all Members will agree that the interests of the United States are well protected.

Mr. Speaker, there is a lot more to be said about this important piece of legislation but I shall stop at this point. I want merely to add, in conclusion, that I urge a favorable vote on H.R. 18260.

Mr. GOODLING. Mr. Speaker, I had hoped to ask one question on this bill. Time did not permit.

A utility has several generating plants in the Susquehanna in my area.

At least one permit expires in 1970. I did want to inquire what happens to this utility if the bill under discussion becomes law? Unfortunately I could get no response for the RECORD on H.R. 18260.

Mr. REUSS. Mr. Speaker, I commend the distinguished chairman and members of the Committee on Interior and Insular Affairs for the outstanding work they have done in fashioning H.R. 18260, to establish a National Scenic Rivers System. Their efforts have contributed immeasurably to insuring the preservation of America's heritage of natural beauty for generations to come.

I am proud that two rivers in my own State of Wisconsin—the Wolf and the St. Croix-Namekagon—have been designated to be among the Nation's first "scenic rivers."

Wisconsin is blessed with an abundance of natural beauty, but perhaps no areas are more beautiful than these two. It is heartening to know that their wild grandeurs will be kept unspoiled.

I am particularly pleased that the Wolf is to be a scenic river. The history of Wisconsin is written in the Wolf. Along its tumbling course runs the old Military Road which served the Indian agents. Northern Wisconsin pine logs were floated down the Wolf to the sawmills of Oshkosh, and the remains of the dams used to raise the water level of the rapids so that logs could pass can be seen to this day. In Menominee County, the Menominee Indians still inhabit its banks and fish its waters as they have done for centuries.

On the banks of the Wolf grow everything from lichens and ferns to the tallest white pine, hemlock, and arbor vitae. In the woods along its course, songbirds and waterfowl, deer and bear, muskrat and mink make their home. Trout fill its waters.

The scenic rivers bill can be a conservation landmark.

Mr. SAYLOR. Mr. Speaker, the rivers and waterways of the world were man's first highways, and since the founding of our Republic the rivers and waterways of this country have been considered the lifelines of our Nation.

The rivers and waterways of this Nation became our first highways for commerce and transportation. The importance of controlling and developing our rivers and waterways has often been the subject of legislative action in the Congress.

Today, the use of our rivers and waterways for agriculture, domestic, municipal, and industrial uses is bounded only by our limited water supply. Today, our rivers and waterways continue to have a prominent role in the economic, social, and political development of this great Nation.

Mr. Speaker, the historical and cultural values of our rivers and waterways is to me, compelling reason enough to call for the establishment of a national scenic rivers system as a national recognition of the values of our rivers and waterways, and a deserved and honored place for them in the conservation of our natural heritage.

H.R. 18260 provides this opportunity and declares "that certain selected rivers of this Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations."

The purpose of H.R. 18260 is the initiation of a national scenic rivers system, designation of the initial components of the system, and describing the methods and standards by which additional components may be added to the system.

The bill sets out two methods by which rivers may be added to the system which are: First, by act of Congress, and second, pursuant to an act of the legislature of the State or States through which a river flows. The bill also provides that every scenic river in its free flowing condition, or upon restoration to that condition, shall be eligible for inclusion in the system. The rivers so included are classified, designated, and administered in accordance with the following classes—

Class I scenic river areas are those rivers or segments free of impoundments, inaccessible except by trail, with watersheds or shorelines essentially primitive and unpolluted. These rivers are the so-called wild rivers.

Class II scenic river areas are those rivers or segments free of impoundments, with largely undeveloped shorelines and largely primitive watersheds, and accessible by roads in places.

Class III scenic river areas are those rivers or segments which are readily accessible by road or railroad with some development along the shoreline and which have undergone impoundment or diversion.

Section 3 of the bill designates the six initial components of the national scenic rivers system. These rivers or segments thereof are as follows:

First the Middle Fork of the Clearwater River, Idaho; Second the Rio Grande River in New Mexico; third, the Rogue River in Oregon; fourth, the St. Croix River in Minnesota and Wisconsin; fifth, the Middle Fork of the Salmon River in Idaho; and sixth the Wolf River in Wisconsin.

This section also designates the Federal department or agency to administer the initial components of the system, requires the establishment of boundaries to include an average of not more than 320 acres per mile on both sides of the river, and the preparation of development plans and classifications.

Section 4 of H.R. 18260 directs the appropriate Federal officials to study and plan for submission to the President and Congress proposals for addition to the national scenic rivers system. Every such study must be coordinated with any other water resources planning involving the same river. This section sets forth the factors to be considered in the study and planning of potential additions before submission of the reports.

Section 5 designates 28 rivers or segments thereof to be studied for potential addition to the national scenic rivers system by the Secretary of the Interior or the Secretary of Agriculture as the case may be. These studies are to be completed within 15 years from the date of the act and priority is to be given those rivers having the greatest likelihood of development. No study is to be undertaken or pursued on any river which the Governor of the State certifies that the State or its agencies are prepared to study the same for possible inclusion in the national scenic rivers system.

Section 6 of the bill authorizes the acquisition of lands and interests in lands

for carrying out the purposes of the act and provides for the donation and exchange of lands. Lands owned by a State or Indian tribe cannot be acquired without their consent or if the tribe or political subdivision of the State is carrying on a management plan consistent with the purposes of this act.

Section 7 contains a prohibition against the Federal assistance in licensing of power facilities or loans or grants for water resource projects which would adversely affect scenic river values on any river designated for inclusion in the system. It should be clearly understood that these prohibitions do not concern upstream or downstream developments which will not adversely affect the values sought to be protected by the legislation.

Section 8 of the bill is a withdrawal of all public lands from entry, sale or disposal within the authorized boundaries of any river designated for inclusion in the system, including the bed or bank of the river if appropriate. These withdrawals are for a period of 5 years, except in the case of those rivers designated for inclusion in the system the withdrawal is for the additional periods as previously stated.

Section 9 provides that mining claims not perfected before a river is included in the system shall be subject to regulations consistent with the purposes of this act. This section also withdraws all public lands constituting the bed or banks of the class I rivers from under the mining and mineral leasing laws for the same periods.

Section 10 provides for the administration of the national scenic rivers system, taking into consideration other uses, but emphasizing the protection and enhancement of the values which caused the river or segment thereof to be included in the system.

Section 11 encourages State and local participation in the national scenic rivers system and provides for Federal technical assistance to be furnished to the States for this purpose.

Section 12 of the bill directs all Federal agencies to review their programs and plans affecting the rivers named to be studied in section 5 and to determine what action should be taken to protect those rivers.

Section 13 provides that hunting and fishing will be permitted in national scenic rivers areas except those within a national park or monument, declares that State water rights are not violated by the provisions of the bill, authorizes the granting of easements and rights-of-way.

Section 14 of the bill concerns the effect of a conservation easement as a charitable gift under the income tax laws and the consequences upon breach of that agreement.

Section 15 contains a definition of terms.

Section 16 authorizes the appropriation of $17,340,000 for the acquisition of lands and interests in lands to carry out the purposes of this act.

Mr. Speaker, I trust this brief outline of the major provisions of the bill gives an adequate understanding of the purposes of this legislation.

In closing, I want to remind my colleagues that this program has the support of the administration and was a matter upon which the President called for our prompt action. If we have harnessed our rivers to aid navigation, control floods, increase farm productivity, provide hydroelectric power, prohibit pollution, and enhance the fish and wildlife values, the time has come to preserve those rivers or segments in a nationwide scenic rivers system which will guarantee America her heritage. A wide range of public and private organizations join in the support of this program and urge the Congress to act in this matter of national interest.

Mr. Speaker, I urge that the bill be acted upon by this body favorably.

Mr. KARTH. Mr. Speaker, I rise in support of H.R. 18260, the national scenic rivers bill. This legislation represents the culmination of several years of thought, and comes before us today after committee consideration of 16 separate wild and scenic river bills, including one of my own, H.R. 752.

In view of this long and careful deliberation, I think it especially significant that today we be given an opportunity to enact legislation which will preserve the integrity of several of our Nation's most outstanding natural waterways. The urgency of this action is made clear when we consider the water-control onslaught and the forbidding population increase which yearly diminish the opportunity of our citizens to enjoy free-flowing wilderness streams, unaffected by encroaching civilization.

H.R. 18620 has been of particular interest to the public in Minnesota and Wisconsin. A recent poll I sent to my constituents in the Fourth Congressional District which borders Wisconsin generated over 14,000 responses with the public backing by 9 to 1 preservation of the St. Croix river, one of the six major streams included in the legislation before us today.

Moreover, the Senate, both in the 89th and again during the 90th Congress, has passed legislation preserving the St. Croix as a natural scenic waterway.

Mr. Speaker, based on this public support and earlier legislative precendent, as well as the need for forward-looking conservation action, I would urge the House to support the measure before us today. The costs are modest; the benefits to this generation and those to come, immense.

Like most of the other streams included in this bill, the St. Croix is close to large population centers. In this case, the cities of St. Paul, Minneapolis, Duluth, and Chicago. The excellent waters and heavy forest cover of the nearby St. Croix support an abundance of game animals and birds, as well as some of the best fishing, boating, and recreational opportunities anywhere.

Enhancing public interest in this area, and I trust congressional support for passage of the bill, is a special proviso which in closing I would like to draw to the attention of my colleagues. To reduce the cost of including the St. Croix in the national scenic rivers system, the Northern States Power Co., which owns the lands bordering portions of the river incorporated in the bill, has generously agreed to donate 100 acres of land per mile along the riverway to the United States. In addition, the company will provide use and development of additional contiguous lands in a manner consistent with the uses of the donated property.

In view of this generous private gesture, in view of earlier legislative precedent, and indeed, in view of the need of our citizens for a Thoreau-like place of respite and closeness to the natural environment, I urge passage of H.R. 18620, a truly outstanding legislative opportunity.

The SPEAKER. The question is on the motion of the gentleman from North Carolina [Mr. TAYLOR] that the House suspend the rules and pass the bill H.R. 18260.

The question was taken; and (two-thirds not having voted in favor thereof) the motion was rejected.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 18260.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

THE AGRICULTURE COOPERATIVE TRANSPORTATION EXEMPTION

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 752) to amend sections 203(b)(5) and 220 of the Interstate Commerce Act, as amended, and for other purposes.

The Clerk read as follows:

S. 752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That at the end of section 203(b)(5) of the Interstate Commerce Act delete the semicolon and add the following language: ", but any interstate transportation performed by such a cooperative association or federation of cooperative associations for nonmembers who are neither farmers, cooperative associations, nor federations thereof for compensation, except transportation otherwise exempt under this part, shall be limited to that which is incidental to its primary transportation operation and necessaryy for its effective performance and shall in no event exceed 15 per centum of its total interstate transportation services in any fiscal year, measured in terms of tonnage: *Provided,* That, for the purposes hereof, notwithstanding any other provision of law, transportation performed for or on behalf of the United States or any agency or instrumentality thereof shall be deemed to be transportation performed for a nonmember: *Provided further,* That any such cooperative association or federation which performs interstate transportation for nonmembers who are neither farmers, cooperative associations, nor federations thereof, except transportation otherwise exempt under this part, shall notify the Commission of its intent to perform such transportation prior to the commencement thereof: *And provided further,* That in no event shall any such cooperative

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Issued September 11, 1968
For actions of September 10, 1968
90th-2nd; No. 146

CONTENTS

HIGHLIGHTS: House received conference report on foreign aid authorization bill. House Rules Committee cleared scenic rivers bill.

HOUSE

1. FOREIGN AID. Received the conference report on H. R. 15263, the foreign aid authorization bill (H. Rept. 1884). The conferees agreed on an authorization of $1,974,050,000, against a House figure of $1,993,850,000 and a Senate figure of $1,945,900,000. pp. H8442-6

2. SCENIC RIVERS. The Rules Committee reported a resolution for consideration of H. R. 18260, to provide for a national scenic rivers system. p. H8497

3. FOOD STAMPS. Conferees were appointed on S. 3068, the food stamp bill. Senate conferees have been appointed. p. H8428

4. NATIONAL PARKS. The Interior and Insular Affairs Committee submitted minority views on H. J. Res. 1384, relating to administration of the National Park System (H. Rept. 1858, pt. 2). pp. H8496-7

5. LANDS. The Interior and Insular Affairs Committee reported with amendment H. R. 17874, to extend the time for filing applications for the selection of certain lands by Alaska (H. Rept. 1880). p. H8497

6. GUAM. A subcommittee of the Interior and Insular Affairs Committee approved for full committee action H. R. 15151, to promote the economic development of Guam. pp. D810-11

7. ROADS; APPROPRIATIONS. Rep. Bray opposed the proposed $200 million cut back in highway construction funds and stated "that under existing law there shall be no use of the trust fund money for other than highway purposes." p. H8464

8. TRANSPORTATION. Rep. Schwengel inserted a statement with respect to the safety aspects of the size and weight of trucks and an Iowa section of the American Society of Civil Engineers' letter voicing their disapproval of the trucking bill. p. H8468

9. LEGISLATIVE REORGANIZATION. Several Reps. debated the legislative reorganization bill. pp. H8469-85, H8485-6
   Rep. Schwengel stated that if Congress is to maintain any degree of autonomy, it must avail itself of adequate equipment and manpower. pp. H8491-6

EXTENSION OF REMARKS

10. FARM PROGRAM. Rep. Zwach inserted an editorial suggesting a "set of goals as the direction that agriculture ought to take." p. E7789

11. POLLUTION. Rep. Edmondson inserted an article, "Federal Policy and Environmental Chemistry." pp. E7836-8

12. INFORMATION. Rep. Moorhead inserted a paper by Robert L. Chartrand, information sciences specialist of the Library of Congress, concerning congressional plans for using information retrieval and computer technology. pp. E7838-40

13. POVERTY. Rep. Hathaway inserted Sen. Muskie's remarks on "the problems of poverty our Nation faces." pp. E7840-1

14. REPORT. Rep. Steiger, Wisc., inserted his newsletter to his constituents including remarks on the farm bill. pp. E7801-2
   Rep. Meskill inserted his report to his constituents on the 90th Congress. pp. E7844-5
   Rep. Mosher inserted the results of a questionnaire including items of interest to this Department. p. E7820

90TH CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 1885

CONSIDERATION OF H.R. 18260

SEPTEMBER 10, 1968.—Referred to the House Calendar and ordered to be printed

Mr. ANDERSON of Tennessee, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 1300]

The Committee on Rules, having had under consideration House Resolution 1300, report the same to the House with the recommendation that the resolution do pass.

O

98-008

House Calendar No. 312

90TH CONGRESS
2D SESSION

H. RES. 1300

[Report No. 1885]

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 1968

Mr. ANDERSON of Tennessee, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

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RESOLUTION

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18260) to provide for a national scenic rivers system, and for other purposes, and all points of order against section 6 (a) and section 6 (b) of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclu-

1 sion of the consideration of the bill for amendment, the Com-
2 mittee shall rise and report the bill to the House with such
3 amendments as may have been adopted, and the previous
4 question shall be considered as ordered on the bill and
5 amendments thereto to final passage without intervening mo-
6 tion except one motion to recommit. After the passage of
7 H.R. 18260, the Committee on Interior and Insular Affairs
8 shall be discharged from the further consideration of the
9 bill S. 119, and it shall then be in order in the House to move
10 to strike out all after the enacting clause of the said Senate
11 bill and insert in lieu thereof the provisions contained in
12 H.R. 18260 as passed by the House.

House Calendar No. 312

90TH CONGRESS
2D SESSION

H. RES. 1300

[Report No. 1885]

RESOLUTION

Providing for the consideration of H.R. 18260 to provide for a national scenic rivers system, and for other purposes.

By Mr. ANDERSON of Tennessee

SEPTEMBER 10, 1968

Referred to the House Calendar and ordered to be printed

House Sept 12, 1968

trails near our cities; however, does not preclude the designation of other suitable recreation trails as national recreation trails if they are somewhat more remotely located. Authorizes the "immediate establishment of the Appalachian National Scenic Trail, to be administered by the Secretary of the Interior, and the Pacific Crest National Scenic Trail, to be administered by the Secretary of Agriculture." Prohibits condemnation insofar as the acquisition of lands for the Pacific Crest Trail is concerned. Authorizes the appropriate Secretaries to promulgate reasonable regulations to govern the use of motorized vehicles on or across the trails under specified conditions. Authorizes a total of $5,500,000 for land acquisition for the two trails. It is the general understanding of the conferees "that the Secretaries should prepare comprehensive master plans of the proposed development program for the scenic trails under their jurisdiction and present such plans to the two committees prior to their request for appropriations." pp. H8583-6

12. REDWOOD NATIONAL PARK. Agreed to, 329-1, the conference report on S. 2515, to authorize the establishment of the Redwood National Park. pp. H8586-95

13. SCENIC RIVERS. Passed with amendment (to substitute the language of H. R. 18260) S. 119, to provide for a national scenic rivers system. H. R. 18260, a similar bill, was passed earlier, 265-7, with amendments and was tabled. pp. H8595-618

14. AGING. Concurred in Senate amendments to H. J. Res. 1371, that it be the sense of Congress that a White House Conference on Aging be called by the President in 1971. This measure will now be sent to the President. pp. H8549-51
A subcommittee of the Education and Labor Committee approved for full committee action H. R. 17867, to strengthen and improve the Older Americans Act of 1965. p. D823

15. APPROPRIATIONS. Passed, 334-7, without amendment H. R. 18707, the Defense Department appropriation bill, 1969. A motion by Rep. Kupferman to recommit the bill was rejected. pp. H8551-82, H8623

16. REORGANIZATION. Reps. Anderson, Morton, and Schwengel spoke in support of congressional reorganization. pp. H8549, H8625-31

17. FOREIGN TRADE. Rep. Sikes stated the President's committee "to advise him on foreign trade" needs wider representation noting that fruits and vegetables, hardwood plywood, and fishery products have no representation. pp. H8631-2

18. HUNGER. Rep. Gonzalwz stated that "CBS News has yet to explain its actions or prove its allegations" regarding the "Hunger in America" program. pp. H8632-4

19. TAXATION; EXPENDITURES. Rep. Dingell objected to the requirements in the Revenue and Expenditure Control Act that the overall budget be reduced by $6 billion and that agencies reduce their employment levels to those prevailing on June 30, 1966. He inserted letters from various departments and agencies in response to his inquiry regarding the subject which he stated "confirm my view that the two provisions...are unwise." pp. H8641-51

20. PURCHASING. Received a GAO report on the opportunity to reduce costs substantially in acquiring teletypewriters for use in the advanced record system communications network. p. H8655

21. LIBRARIES. Received the annual report of the Library of Congress (H. Doc. 215). p. H8655

22. RECREATION. Received from the Bureau of Outdoor Recreation a report, "New England Heritage--The Connecticut River National Recreation Area Study." p. H8655

23. FISHERIES. The Merchant Marine and Fisheries Committee reported with amendment H. R. 18808, to extend the provisions of the Commercial Fisheries Research and Development Act of 1964 (H. Rept. 1893).

24. LEGISLATIVE PROGRAM. Rep. Albert announced the following program for next week: Mon. is Consent Calendar day, and the following bills will be considered under suspension: Federal construction health and safety; intergovernmental cooperation; fish protein concentrate; Padre Island National Seashore, Guam rehabilitation; Ohio land conveyance; S. C. State Commission of Forestry land conveyance; Commission on Negro History and Culture; fisheries research and development; water resources planning; Great Swamp National Wildlife Refuge wilderness; Eklutna project, Alaska; North Cascades National Park and Ross Lake National Recreation Area; and filing of applications for certain Alaska lands. Wed. and the balance of the week, the supergrade, and civil service retirement financing bills. pp. H8618-19

25. ADJOURNED until Mon., Sept. 16. p. H8655

EXTENSION OF REMARKS

26. SUGAR FARMERS. Speech by Rep. Willis explaining the provisions of and appealing for support of his bill H. R. 19575, to qualify surplus sugar under the commodity distribution program under section 32 of Public Law 320, 74th Congress. p. E7897

27. LOANS. Rep. Davis inserted Secretary Freeman's speech on the occasion of the first FHA loan ceremony in Ga., under the Housing Act of 1968. pp. E7899

28. OPINION POLLS. Rep. Thompson, N. J., and Rep. Brademas inserted the results of opinion polls which include items of interest to this Department. pp. E7904-6, E7911-2

29. FARM PROGRAM. Speech by Rep. Findley favoring the $20,000 limitation on total subsidy payments to each farmer and objecting to CCC exemption from expenditure cuts. He said "I urge each of you to join me in opposing any conference report to extend the Food and Agriculture Act of 1965 beyond its current expiration scheduled for the end of 1969, which does not include a $20,000 limitation on individual payments." p. E7907

Rep. Conte inserted the text of an article which he said demonstrates widespread public support for a more equitable and effective farm subsidy program. pp. E7926-7

longer to protect and preserve these trees that have graced the earth for thousands of years. To refuse to accept this compromise park will doom the redwoods to certain extinction. The original bill passed by the House created a minipark of 28,500 acres, leaving some of the best stands of redwoods unprotected and open to the saws of the lumber companies. The Senate bill provided for a park of 64,000 acres, yet even that fell short of the original bill I introduced last year. The conference report is a compromise, but one that comes down on the side of conserving one of our most valuable natural resources. We are not creating the ideal park, but we are providing for a national park of reasonable size containing most of the remaining virgin stands of redwoods.

Mr. Speaker, I cosponsored a redwoods bill along with my good friend and distinguished friend of conservation, JEFFREY COHELAN, to preserve a national park of 90,000 acres. I want my children to be afforded the opportunity to see the giant redwoods in their natural setting. I want a national park with ample room to accomodate the numerous visitors who come from every part of America and foreign lands to see the mighty redwoods. The park provided in this conference report barely satisfiies those criteria.

Mr. Speaker, we have a chance today to preserve a precious national heritage. We have an opportunity to save a beautiful scenic resource. I believe this conference report should be adopted.

Mr. ASPINALL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. WRIGHT). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOSMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 329, nays 1, not voting 101, as follows:

[Roll No. 320]

YEAS—329

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baring
Barrett
Bates
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blatnik
Bolling
Bolton
Bow
Brademas
Brasco
Brinkley
Brock
Brooks
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carter
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Corbett
Corman
Cramer
Culver
Cunningham
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dent
Devine
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fisher
Flood
Foley
Ford, Gerald R.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gathings
Gettys
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Gubser
Gude
Haley
Hall
Halleck
Halpern
Hamilton
Hammer-schmidt
Hanley
Harrison
Harsha
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hosmer
Howard
Hull
Hunt
Hutchinson
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Keith
King, N.Y.
Kleppe
Kupferman
Kyl
Kyros
Laird
Langen
Latta
Lennon
Lipscomb
Long, Md.
Lukens
McCarthy
McCloskey
McClure
McDonald, Mich.
McEwen
McFall
McMillan
MacGregor
Machen
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patten
Pelly
Perkins
Pettis
Philbin
Pike
Poff
Price, Ill.
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St. Onge
Sandman
Satterfield
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, Okla.
Snyder
Staggers
Stanton
Steed
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Teague, Calif.
Tenzer
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Tunney
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zwach

NAYS—1

Fountain

NOT VOTING—101

Ashley
Ashmore
Battin
Blackburn
Blanton
Boggs
Boland
Bray
Broomfield
Brown, Calif.
Brown, Ohio
Burleson
Carey
Casey
Cederberg
Celler
Conte
Conyers
Cowger
Curtis
Daddario
Dawson
Derwinski
Dickinson
Diggs
Farbstein
Fino
Flynt
Ford, William D.
Gardner
Giaimo
Griffiths
Gurney
Hagan
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Hawkins
Hays
Hébert
Henderson
Herlong
Holifield
Horton
Hungate
Ichord
Jones, Mo.
Jones, N.C.
Karsten
Kelly
King, Calif.
Kirwan
Kluczynski
Kornegay
Kuykendall
Landrum
Leggett
Lloyd
Long, La.
McClory
McCulloch
McDade
Macdonald, Mass.
Madden
Mathias, Md.
Miller, Calif.
Monagan
Moore
Myers
Nedzi
O'Neal, Ga.
Passman
Patman
Pepper
Pickle
Pirnie
Poage
Podell
Pollock
Rarick
Resnick
Rogers, Colo.
Rosenthal
Roudebush
St Germain
Saylor
Schweiker
Sisk
Smith, N.Y.
Springer
Stafford
Steiger, Ariz.
Taylor
Teague, Tex.
Thompson, Ga.
Udall
Vander Jagt
Willis
Wilson, Charles H.
Zion

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. McCulloch.
Mr. St Germain with Mr. Roudebush.
Mr. Kirwan with Mr. Cederberg.
Mr. Leggett with Mr. Broomfield.
Mr. Celler with Mr. Horton.
Mr. Passman with Mr. Battin.
Mr. Daddario with Mr. McClory.
Mr. Miller of California with Mr. Pirnie.
Mr. Boggs with Mr. Conte.
Mr. Holifield with Mr. Pollock.
Mr. Kluczynski with Mr. Bray.
Mr. King of California with Mr. Saylor.
Mr. Kornegay with Mr. Kuykendall.
Mr. Monagan with Mr. McDade.
Mr. Burleson with Mr. Blackburn.
Mr. Carey with Mr. Smith of New York.
Mr. Long of Louisiana with Mr. Lloyd.
Mr. Giaimo with Mr. Stafford.
Mr. Rogers of Colorado with Mr. Mathias of Maryland.
Mr. Madden with Mr. Brown of Ohio.
Mrs. Kelly with Mr. Moore.
Mr. Farbstein with Mr. Fino.
Mr. Macdonald of Massachusetts with Mr. Springer.
Mr. Ashmore with Mr. Dickinson.
Mr. Casey with Mr. Steiger of Arizona.
Mr. Charles H. Wilson with Mr. Derwinski.
Mr. Henderson with Mr. Thompson of Georgia.
Mr. Sisk with Mr. Myers.
Mrs. Griffiths with Mr. Vander Jagt.
Mr. Boland with Mr. Cowger.
Mrs. Hansen of Washington with Mr. Zion.
Mr. Hays with Mr. Schweiker.
Mr. O'Neal of Georgia with Mr. Gurney.
Mr. Pepper with Mr. Hansen of Idaho.
Mr. Rosenthal with Mr. Curtis.
Mr. Pickle with Mr. Gardner.
Mr. Jones of North Carolina with Mr. Ichord.
Mr. Ashley with Mr. Dawson.
Mr. Landrum with Mr. Willis.
Mr. Teague of Texas with Mr. Udall.
Mr. Conyers with Mr. Hawkins.
Mr. Patman with Mr. Rarick.
Mr. Podell with Mr. Diggs.
Mr. Blanton with Mr. Hungate.
Mr. Flynt with Mr. William D. Ford.
Mr. Hanna with Mr. Hagan.
Mr. Taylor with Mr. Resnick.
Mr. Brown of California with Mr. Hardy.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PROVIDING FOR A NATIONAL SCENIC RIVERS SYSTEM

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1300 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1300

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18260) to provide for a national scenic rivers system, and for other purposes, and all points of order against section 6(a) and section 6(b) of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 18260, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 119, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 18260 as passed by the House.

The SPEAKER. The gentleman from Tennessee is recognized for 1 hour.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California [Mr. SMITH], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1300 provides an open rule with 1 hour of general debate, waiving points of order against sections 6(a) and 6(b), for consideration of H.R. 18260 providing for a national scenic rivers system, a bill very ably presented by the distinguished chairman of the Interior Committee, Mr. ASPINALL. After the passage of H.R. 18260, the Committee on Interior and Insular Affairs shall be discharged from further consideration of S. 119, and it shall then be in order to move to strike all after the enacting clause of the Senate bill and insert the House-passed language.

The language in sections 6(a) and 6(b) of the bill has to do with appropriations and that is the reason for the waiver of points or order—page 14, lines 20 through and page 15, lines 10 through 14.

The purpose of H.R. 18260 is to initiate national scenic rivers system, to name the first components of that system, and to prescribe the standards and methods by which future additions to the system will be made. The bill is the culmination of a number of years of study, and proposes six rivers or sections of rivers for immediate recognition as components of the national scenic rivers system, and one additional river plus one additional river section—the latter two depending on the actions of the Governors of the States concerned and the action of the Secretary of the Interior. Twenty-eight rivers are placed in a study category for possible later inclusion in the system.

Mr. Speaker, I urge the adoption of House Resolution 1300 in order that H.R. 18260 may be considered.

(Mr. FULTON of Tennessee at the request of Mr. ANDERSON of Tennessee was granted permission to extend his remarks at this point in the RECORD.)

Mr. FULTON of Tennessee. Mr. Speaker, the policy set forth in this legislation today states that our national policy of constructing dams and other works on certain sections of rivers needs to be complemented with a policy of preserving other sections of free-flowing rivers and related adjacent lands that possess outstanding scenic, fish, wildlife, and other outdoor recreation values.

In this legislation it is the stated policy of Congress to preserve, reclaim, and appropriately develop such sections of our free-flowing rivers, and to assist the fulfillment of this policy by establishment of a nationwide system of scenic rivers to be composed of areas designated by Congress in this act or subsequent acts as "national scenic river areas," and State and local scenic river areas as designated by the Secretary of the Interior as part of the system.

In essence this means that as this Nation continues its industrial and commercial development, special care will be taken to assure that progress need not be synonymous with pollution of many of our outstanding free-flowing rivers.

My own State, Tennessee, stands as an eminent example of the progress and development which can be achieved through the harnessing and control of untamed waterways. The Tennessee Valley Authority example of waterway development and control is emulated throughout the world.

But there are other waterways which must be preserved in their natural state or their beauty and recreational value may be lost for many generations to come. That is the purpose of this legislation.

In this bill also are three Tennessee rivers which have been designated for potential addition to the national scenic rivers system.

One of these is the Buffalo, from its beginning in Lawrence County to its confluence with the Duck River.

Also included are two deep-gorge rivers. They are the entire Big South Fork of the Cumberland and its tributary, the Clear Fork and the Obed, including the entire rivers and its tributaries, Clear Creek and Daddy's Creek. It was my privilege to actively work for the inclusion of these waterways in this legislation and I am very grateful that this has been done.

It is my firm belief that the passage of this legislation will enhance the Nation's present and future welfare through conservation of these very valuable resources. This bill has my full support and I urge its passage.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, the distinguished gentleman from Tennessee [Mr. ANDERSON] has ably explained the rule. So far as the bill is concerned, may I simply state the purpose of the bill is to create a system of scenic rivers, and to prescribe standards for the system as the basis for determining which additional rivers will be included in the future and the methods by which this enlargement will be accomplished.

The National Park Service has recommended such a system to preserve natural and wild rivers in their untouched condition for some time. Studies have been undertaken. Based upon these, six rivers are to be placed in the system upon passage of this bill and the study of 28 additional rivers will be undertaken to determine whether they shall be included. The six included in the bill are: the Rogue in Oregon; the Clearwater and the middle fork of the Salmon in Idaho; the Rio Grande in New Mexico; the Wolf in Wisconsin; and the St. Croix in Minnesota and Wisconsin.

The bill seeks to insure that some of our rivers which are relatively untouched by man will be retained and protected in their natural state. The States are to be included in the administration. Funds for the program will come from Federal sources, including the Land and Water Conservation fund. The bill also seeks to insure that the Federal Power Commission and the Corps of Engineers will not supersede State-Federal planning under this bill with respect to rivers which are to be included under the Scenic Rivers System.

The bill recognizes that much more studying of various rivers is necessary before further decisions can be made regarding possible inclusion in the system.

The estimated cost of acquiring land and interests in land for the six rivers included is $17,340,000, which sum is authorized by the bill. Development costs for these areas is estimated at about $7 million, but no authorization for this purpose is included in the bill. It is also estimated that each study of a river for possible inclusion in the system will cost about $50,000. Twenty-eight rivers are to be studied; these are the rivers which show the most promise after the preliminary studies which have been completed.

It is the aim of the bill in creating a system of protected rivers in their natural state to ensure that scenic, sport, and recreational enjoyment will be preserved for the public in future years.

The Departments of Agriculture, Health, Education, and Welfare, and the Interior support the bill, as does the Bureau of the Budget.

Separate views are filed by Mr. STEIGER of Arizona in opposition to the bill. He believes the criteria contained in the bill are too broad, making possible potentially to include every river in the country in the system and thus curtail further development and economic growth dependent on such rivers. He believes that before any action is taken to create the system, a complete study of the situation should be made by the National Water Commission, created by this Congress.

He believes that the ultimate cost of the system will be too high a price to pay, both in terms of Federal moneys spent and economic development not permitted on our rivers.

Mr. Speaker, I urge adoption of the rule.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. ASPINALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18260) to provide for a national scenic rivers system, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 18260, with Mr. IRWIN in the chair.

The Clerk read the title of the bill.

(By unanimous consent, the first reading of the bill was dispensed with.)

The CHAIRMAN. Under the rule, the gentleman from Colorado [Mr. ASPINALL] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. SAYLOR] will be recognized for 30 minutes. The Chair recognizes the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. Chairman, I yield myself such time as I may consume.

(Mr. ASPINALL asked and was given permission to revise and extend his remarks.)

Mr. ASPINALL. Mr. Chairman, I am here to support H.R. 18260, by our colleague from Pennsylvania [Mr. SAYLOR]. I regret that Congressman SAYLOR is unable to be with us today, but a death in his family prevents this.

You will recall that H.R. 18260 came up on a motion to suspend the rules on July 15 but failed to receive the necessary two-thirds on a voice vote. Why this happened, I do not know for sure, but it was clear then, as it is clear now, that there was considerable misunderstanding among some Members concerning certain features of the bill, particularly those having to do with rivers in what we call the study category. We have been trying to eliminate this misunderstanding and shall continue to do so. I want to come back to this in a moment, but first let me outline briefly the contents of the bill.

America has quite a number of scenic, wild, and historic rivers that are still in pretty much the same state they were when the white man first came to this country. All over the country, however, a substantial number of our fellow citizens are apprehensive that these rivers will go the way most of our other rivers have gone. They will become industrialized; they will be "developed"; they may become polluted. From these apprehensions grew the movement, of which H.R. 18260 is a culmination, to preserve some of these rivers in a pristine state or as close thereto as we can.

Our committee has singled out six of these rivers—the Clearwater and Salmon in Idaho, the Rio Grande in New Mexico, the Rogue in Oregon, the St. Croix in Minnesota and Wisconsin, and the Wolf in Wisconsin—for immediate inclusion in a national system of scenic rivers. We have provided protection for these rivers against intrusion by Federal agencies or with Federal funds. And we have authorized the Secretary of the Interior and the Secretary of Agriculture to acquire the lands that border these rivers—generally one-quarter mile on each side of them—in order to help preserve their values. In most cases in the West, these lands are already owned by the United States, but in some they are not so they will have to be acquired. Our estimate is that this will cost about $17,500,000.

Friends of the movement to preserve scenic rivers wanted us to go a lot further than we have and to include many more rivers in the system that we have. We said "No." Instead of that, we did two things: We provided for inclusion of other rivers in the system if the State legislature so requests and if the State will manage such river or rivers at its own, or their own expense. We also set up a study category and named 28 rivers that the Secretary of the Interior and the Secretary of Agriculture should look over during the next 15 years or less and report on to Congress. We have provided a degree of protection for these rivers during the first 5 years of the study period. We have provided, for instance, that the Federal Power Commission should not license any new project on these rivers or parts of these rivers during this period. We have provided that Federal loans and grants to develop these rivers should not be made during this time. We have reserved such public lands as there are along these rivers from disposition during the same period. And so on.

Now let me dispel one misunderstanding. We have not "locked up" these rivers. If the Corps of Engineers, for instance, wants to put a development in on any of them, all it has to do is to advise the Secretary of the Interior ahead of time and inform the Congress what the effects of its development will be. Then if Congress says OK, OK it is.

Likewise, there is nothing in the bill—and there could be nothing in the bill—to prevent any landowner along any of these study rivers from continuing to do what he wants to do with his own land and his own money until the river is authorized for inclusion in the scenic river system and his land is acquired in accordance with the usual procedure. I heard many foolish things said about this bill, but none so foolish as that it would prevent all private development for 15 years. Your Committee on Interior and Insular Affairs is not unaware of the Constitution of the United States and particularly its fifth amendment.

So much for that. As I said, there were parts of the bill that seemed to bother some Members when we were on the floor. These I have just finished mentioning in a general way. I stated on the floor then and I state now that I am willing to see eliminated from the bill any study river or any section of a study river that is not to the liking of the Member in whose district that river or section of a river lies. We did this in committee for those Members who appeared before us in opposition to this, that, or the other river. The same door will be open to others on the floor.

I am also willing to support an amendment, if need be, that will break the study rivers down into two categories: First, those that receive the same protection against development by Federal agencies or under Federal license or with Federal funds during the 5-year period that the bill now gives them; second, those that do not receive this protection but are nevertheless deemed suitable for survey and report by the Secretaries of the Interior and Agriculture.

Some of our Members want the limited protection against intrusion on their rivers that the bill affords. Others are fearful of it. It seems to me that the sort of amendment that I have just talked about should satisfy both groups. I would hope that those who are against protection for their rivers will adopt this course of action rather than wreck the bill and deny other Members the protection they want for their rivers. They can do this by voting against the bill in its entirety or by striking out the protection provisions completely. I hope they will not. I hope they will take the other course of action that I have mentioned instead.

Mr. Chairman, as far as I am aware, this is the only part of the bill about which there is substantial controversy. As I have said, I think this controversy can readily be resolved when the time for amendment under the 5-minute rule arises. I hope, therefore, that Members will take advantage of their opportunity to perfect the bill along the lines I have just suggested and that, as perfected, it will receive the support of all Members.

Mr. MARSH. Mr. Chairman, will the gentleman yield to me at this point?

Mr. ASPINALL. I would rather not, but if my friend insists, I shall do so.

Mr. MARSH. I thank my distinguished friend, the gentleman from Colorado, for yielding and I particularly want to commend his explanatory remarks with reference to the rivers which were included in the report when it was originally considered under a suspension of the rules. As I understand it the rivers which are contained in the bill we are considering today are not all those contained in the report as it was originally prepared.

Mr. ASPINALL. Some of those should not have been considered in the first place. We should have been a little bit clearer or should have made the matter a little bit clearer to our colleagues of the House that that was a departmental report and was not a part of the legislation.

Mr. MARSH. I thank the gentleman for yielding.

Mr. ASPINALL. This is a new piece of legislation——

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to my friend from Pennsylvania [Mr. FLOOD].

Mr. FLOOD. I thank the distinguished Chairman.

The Chairman knows that in 1962 I was instrumental in having the Army Engineers begin an integrated survey of the Susquehanna River; that is, in New York, Pennsylvania, and Maryland; and that later, similarly the Delaware compact with which the gentleman is entirely acquainted, I introduced for the benefit of the three States I just named.

Then in January of last year, to bring you up to date, I introduced an amended copy of the same, and may I add that the three States of New York, Pennsylvania, and Maryland have now finally agreed upon a compact for their commission—who, incidentally, met with me today, and are meeting with the Water Resources Board officials to work out some amendments which are not major, as I have stated.

Now my question to the distinguished chairman is as to the bill now before the House. I would like the assurance that in no way would it interfere with the proposed compact between the States of New York, Pennsylvania, and Delaware insofar as that compact is concerned.

Mr. ASPINALL. It is my understanding that it would not. But it is also my understanding that there will be an amendment offered that will strike from the study provisions of this legislation, the Susquehanna River.

I understand the gentleman from Pennsylvania [Mr. SAYLOR] would like to see the West Branch kept in the legislation. But it is not our intention in this legislation to upset any State or any group of States in their determination to see to it that their river is developed and is handled as it should be for their benefit.

Mr. FLOOD. Then for the purpose of emphasis I repeat the question. Insofar as such proposed compact is concerned with reference to the Delaware compact, the gentleman's position is that it does not apply?

Mr. ASPINALL. That is correct.

Mr. FLOOD. I thank the gentleman.

Mr. TAFT. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Ohio.

Mr. TAFT. Mr. Chairman, I also appreciate the gentleman's remarks about the very limited effect of the language on page 19 of the bill regarding on-going projects.

I would just like to ask the gentleman whether if there is already a survey such as has been mentioned in the case of the Susquehanna and such as in the case of the Little Miami River survey underway by the Corps of Engineers that the inclusion of the river in question would not in any way hold up the progress of the survey, in having to report to the Congress or to anyone?

Mr. ASPINALL. The gentleman is correct.

Mr. TAFT. I thank the gentleman.

Mr. SAYLOR. Mr. Chairman, I want to take this opportunity to support vigorously and fully the national scenic rivers bill, H.R. 18260, now under consideration. The approval by the Congress of this bill will permit future generations the ease of enjoying clear, natural rivers away from the congestion and grueling life of urban areas.

The idea of establishing a scenic rivers system runs counter to all the development we see around us. In the face of this constant and pressing demand for economic growth and expansion, I submit that the real challenge of this society is to preserve what we know has been good and useful in our American way of life. This bill does not represent a waste of energy, of land, of water, of space. Nor does it appreciably decrease the opportunity for new industrialization. It is purely and simply an attempt to save a small, significant, and representative part of our deeply rooted cultural and natural heritage.

The bill does not solve the recreation problem of the central city. It does not take children out of the ghetto. But it does give to all city dwellers, and especially our children, an opportunity to appreciate: A sense of history, a sense of environment, a sense of natural place, and a sense of the joy for free-flowing water.

Let me recall the long effort that has gone into the formulation of this bill as part of a much broader push to satisfy our national recreation demands.

In 1962 the Outdoor Recreation Resources Review Commission submitted its report "Outdoor Recreation For America" in fulfillment of the act of Congress, Public Law 85–470. In organizing the Commission, President Eisenhower asked the Members to devote particular attention to the problems of meetings this Nation's recreation needs in the years 1975 and 2000.

Subsequently the Commission's study and survey effort revealed that about half of the American people prefer water-oriented recreation activities over all others. Within sight of a lake, seashore or stream, recreation in many forms is enhanced and made immeasurably more pleasant.

Even as our population grows, the interest in water-oriented recreation increases, making ever greater demands on limited and diminishing resources. The gains made thus far have been offset by new population demands.

The Commission concluded that problems stemming from these heavy pressures would eventually become the most difficult in the entire outdoor recreation field. It therefore recommended that both Federal and State Governments devise more adequate means of preserving our fast disappearing shoreline.

The Congress has responded to the Commission's overall recommendations by creating a revolution in the recreation field. Landmark measures that have been enacted include:

The establishment of the Bureau of Outdoor Recreation which is now preparing a comprehensive national recreation plan;

The land and water conservation fund which provides financing for the planning, acquisition and development of new recreation areas;

The Wilderness Act which preserves unique areas in hinterland America;

The open space program for metropolitan areas which is enabling our urban citizens to enjoy better the change of seasons within densely crowded neighborhoods;

The Federal water project recreation program which adds new dimensions to river basin and watershed planning; and

The beautification of highways and removal of unsightly junkyards and billboards.

Over the past few years, nearly 2.2 million acres have been authorized for additions to national parks and national recreation areas.

The Congress now has before it the national trails system bill which provides for the establishment of an extensive network of access trails to outdoor areas near urban areas and also scenic areas located in remote back country.

The Congress this year passed the Estuaries Study Act which directs the Secretary of Interior to inventory the Nation's coastal marshlands and bays and to submit in 1970 his recommendations on the desirability of establishing a nationwide system of estuarine areas.

In 1961 Cape Hatteras in North Carolina was our only national seashore. Today there are five more.

To make our lake shoreline available for recreation purposes a system of national lakeshores has been started.

Thus Congress has accomplished a great deal toward meeting the Nation's recreation needs. But there is clear and present danger that we will deny our future citizens the great treasures of shoreline along many of our undeveloped rivers and streams, unless the scenic rivers bill is enacted.

Support for this bill has come from diverse segments of American society: from the scentific community, from conservation organizaions, and from public affairs groups.

President Johnson has spoken movingly of the need for its passage:

> Those who first settled this continent found much to marvel at. Nothing was a greater source of wonder and amazement than the power and majesty of American rivers. They occupy a central place in myth and legend, folklore, and literature. They were our first highways, and some remain among the most important. We have had to control their ravages, harness their power, and use their water to make whole regions prosper. The time has also come to identify and preserve free-flowing stretches of our great scenic rivers before growth and development make the beauty of the unspoiled waterway a memory.

If any among us needs a reminder of how highly our rivers are culturally valued, let him turn to the sentiments of poetry. I recall the words of Thomas Moore's famous poem:

> Faintly as tolls the evening chime
> Our voices keep tune and our oars keep time,
> Soon as the woods on the shore look dim
> We'll sing at St. Ann's our parting hymn,
> Row, brothers, row! The stream runs fast,
> The rapids are near and the daylight's past.

Within the past year, a thorough study of recreation use trends was completed in the three States of Minnesota, Wisconsin, and Michigan. These States, as we all know, are blessed with excellent and extensive water and shoreline resources. Although this study report indicated that the potential for water-oriented recreation was still high, very few people outside the region are able to take advantage of these opportunities. The reason is that no major national system of water access points is presently available. The establishment of national scenic rivers in these States would be the simplest and least expensive way of altering the present pattern of use, enabling people from the entire densely populated eastern part of the country to better enjoy the excellent water resources of the Great Lakes region.

H.R. 18260 proposes that six rivers or segments of rivers be immediately recog-

nized as components of a National Scenic Rivers System. These are: the Wolf in Wisconsin, the St. Croix in Minnesota and Wisconsin, the Rogue in Oregon, the Middle Fork of the Clearwater and the Salmon in Idaho, and the Rio Grande in New Mexico.

In addition, the bill makes provision for inclusion of the Allagash in Maine and that part of the Wolf which flows through Menominee County in Wisconsin as State-administered components of the national system if the Governors of the two States so request.

If we do not take steps immediately to establish this limited scenic rivers system, we may well find ourselves unable to provide safeguards against future development.

The bill also provides that an additional 28 rivers be studied, which on the basis of preliminary surveys have been found to be worthy of consideration for inclusion in the system. These rivers would be given substantially the same protection against development as the six rivers immediately included in the system.

In earlier versions of this legislation, the moratorium on development of the 28 study rivers was set at 15 years in order to afford the Secretary of Interior and the Congress adequate time to process and act upon the further investigations of these rivers.

Recognizing that this constituted an untimely delay, the House Interior Committee decided to reduce the time period to 5 years. At present, the Federal Power Commission reports that it has had no outstanding preliminary permits or applications pending for projects on these rivers. But if such applications are forthcoming in the ensuing 5 years, nothing in the bill precludes the FPC from coming before the Congress and requesting that approval be given for deletion of a particular river from the study category. It would be left to the wisdom of the Congress to make this determination.

One final point: nothing in this legislation implies that existing impoundments or developments on rivers to be included in the system need be altered or affected in any major way. One of the principles on which the bill rests is that there need not be prohibitions on upstream or downstream developments which will not deprive the rivers of the needed water to maintain their scenic and related natural characteristics.

Mr. Chairman, congressional passage of this bill would, in my opinion, be a great step forward in our national effort to build a system of recreation areas which will enhance the quality of our lives and ensure that natural beauty and esthetic opportunity will be available to all future generations.

It will preserve a vital form of nature, complementing all other forms presently included in our national recreation system.

It will safeguard the variety of natural streams on this continent.

It will preserve a kind of scale of nature encountered in the 18th and 19th centuries.

It will enable our children to share the treat of pioneer life.

I strongly urge the membership of this House to vote favorably on H.R. 18260.

Mr. TUNNEY. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. TUNNEY. I would like to compliment the chairman on his very fine statement and his hard work that has made this legislation possible.

I support the legislation.

(Mr. TUNNEY asked and was given permission to extend his remarks at this point.)

Mr. TUNNEY. Mr. Chairman, I rise to support the distinguished chairman of the Interior and Insular Affairs Committee and to urge my colleagues to vote "aye" on this bill, the National Scenic Rivers Act of 1968.

And I would urge my colleagues further to refrain from amending this landmark conservation measure, which has been so closely scrutinized and perfected in committee as a result of the many comments to the committee from Members who have rivers mentioned in this bill in their districts.

Under this bill, H.R. 18260, only segments of six rivers, out of many hundreds of candidate streams across the Nation, are given immediate protection from dams and other developments. Such developments may well be appropriate elsewhere, but they are inappropriate on these especially scenic natural riverways. These rivers are best suited for float trips, wildlife and fisheries preservation, and other conservation uses.

Some 28 other streams are given a brief period of protection from development under this bill, to give the executive agencies time to provide the Congress with recommendations as to whether or not they qualify for later addition to the national scenic river system. I would like to bring to the attention of my colleagues, especially those with potential "scenic rivers" in their districts, these facts, which should encourage them:

First. While the bill provides for a moratorium from development of a maximum of 5 years, this moratorium may well last no more than a few months for those streams or segments of streams where national scenic river status is obviously inappropriate. For example, those Members from the Susquehanna River Valley in New York and Pennsylvania have been assured, I understand, that if the North Branch of the Susquehanna remains in this bill's study category list, the Interior Department will move swiftly to recommend exclusion from its scenic river recommendation of any area more suitable for development than for preservation.

Second. Like the Wilderness Act, this bill requires the affirmative action of the Congress to add any river or segment of a river to the national scenic river system created by the bill. Obviously, the Congress is not going to approve the preservation of a stream when local sentiment and the Congressman from that district favor some other use of the stream.

So there is absolutely no reason for any Member to fear a permanent "lock-up," as some have expressed it, of rivers within their district. All six of the rivers in the immediate inclusion category have the full support of the Members through whose districts they flow; all other rivers will have to run the gauntlet of congressional review before they receive permanent protection.

And so I say to my colleagues that this bill deserves their fullest support. It will be one of the two most important conservation achievements of a Congress which can be proud of many important conservation achievements. This bill is the result of a sincere effort on the part of the chairman and all of the members of the Committee on Interior and Insular Affairs to satisfy the Members in whose districts the scenic rivers are located to write landmark, pattern-setting conservation legislation.

The other body already has passed a similar measure—weaker in its classification system and other protective provisions, but with the same sound basic intent. I hope we can pass H.R. 18260 now without weakening amendments, and thus add new luster to the conservation record of the 90th Congress.

Mr. KARTH. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. KARTH. Mr. Chairman, I want also to commend the distinguished chairman of the Committee on Interior and Insular Affairs for having again undertaken the responsibility of bringing this bill to us. It is a great move in the right direction so far as conservation is concerned.

(Mr. KARTH asked and was given permission to revise and extend his remarks.)

Mr. KARTH. Mr. Chairman, I rise in support of H.R. 18260, the National Scenic Rivers bill, a bill providing for the establishment of a national scenic river system comprised of six rivers: the Rogue, the Clearwater and Middle-fork of the Salmon, the Rio Grande, the Wolf, and the St. Croix which forms a boundary between my home State of Minnesota and our good neighbor, Wisconsin.

I rise in support of this legislation today, Mr. Chairman, with the special concern that is born of several years struggle to preserve one of the great natural wild streams still left in America, the St. Croix. Whereas my general support extends to all other waterways included in this legislation, I focus my remarks this afternoon upon the long regional struggle that has been waged by the people in my area to preserve their wilderness river, the St. Croix.

In 1965, recognizing the urgency of setting aside a historic land area still untouched by civilization, I submitted a bill, H.R. 10477, to preserve the Saint Croix as a national scenic riverway. The same year the Senate, under the leadership of Senators MONDALE and NELSON, passed a similar piece of legislation to save the St. Croix. Last year, once more, I resubmitted my bill in the House and the Senate again acted in recognition of the uniqueness of this rugged wild river by passing their second bill to

make the St. Croix a national scenic river.

In addition to my vigorous legislative efforts and those of my colleagues, one of the really encouraging developments of our times has been the enormous public demand for better conservation policies, for preservation of the St. Croix, and for restoration of those areas despoiled by earlier "progress" in our developing civilization.

And at this point, Mr. Chairman, I would like to point out to my colleagues here in the House that in the thousands of letters that have poured in over the past years concerning this riverway, one dominant theme should serve as a warning to us all: That is, the public is more and more becoming enraged when Government condones or encourages further desecration of the land and water around us. This is no longer a ho-hum matter, but rather is one of deep anger at behind-the-scenes lobbying to insure the preservation of bureaucracy or special interest. We should well recognize this mood of an aroused public when we cast our votes today.

But let me quickly and specifically describe the array of support that has developed in the Minnesota area in recent years. In addition to the vast correspondence that has accumulated expressing individual citizen support of a scenic river concept, the news media, almost without exception, has mounted an intensive editorial campaign favoring preservation of the riverway. In addition, and let me stress that at great savings to the public, the North States Power Co. has agreed to permit its land holdings extending for almost 70 miles along the river to be involved in the national project without cost to the Government. Numerous polls, including two of my own, have continually reinforced the fact that there is stanch public desire for Federal action.

Mr. Chairman, before concluding my remarks, I would like to clarify one point that may be raised today in opposition to inclusion of the St. Croix in the bill before us.

Following a record flood in 1965, some public sentiment was expressed for flood control of the lower St .Croix. In recent months, it was learned that the U.S. Army Corps of Engineers was desirous of constructing a mammoth, expensive dam on the St. Croix allegedly for the purposes of affording flood safety to residents of the lower river valley.

As a matter of public record, let me point out the Army's attempts were cut short this spring when the Appropriations Committee rejected the corps' request for funds. For the record, let me also point out that I have requested the corps to pursue quickly a study of a flood wall project that will inexpensively afford flood control, but will enable us to include the St. Croix in the bill today without further delay or confusion. Let us hope the corps will respond quickly to this congressional request.

In conclusion, Mr. Chairman, let us all think together for a moment of the possibilities inherent in this legislation before us today. America is fast running out of space. The excellence of a slim, fast, wild river such as the St. Croix is becoming a vanishing part of the American terrain. The youth of our country often berate the "stubborn system" that makes representative government seem at times to them a cruel joke.

Today we have an opportunity to deal a double blow to injustice: we can ensure the preservation of some of our Nation's finest remaining riverways now; and we can by our vote extend to today's youth a symbolic gesture of our good will toward them and their children. It is now or never. This opportunity for responsible action may not come again.

Mr. Chairman, there are over 2 million people in the Minnesota Twin Cities who will benefit from our affirmative vote today. This is just a small portion of the vast benefits directly afforded by this bill to citizens in all sectors of America. I urge my colleagues to support the measure and cast their vote accordingly this afternoon.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to my colleague, a member of the committee.

Mr. KASTENMEIER. Mr. Chairman, as a cosponsor of H.R. 18260, the National Scenic Rivers Act of 1968. I am happy to see that the House finally is acting on this legislation.

It has become obvious that congressional action is needed to guarantee America her heritage of unspoiled and unpolluted rivers. All too often, the battle to preserve our beautiful rivers has been lost. In the name of economic development and industrialization, much of our Nation's beauty and seemingly endless resources have been destroyed systematically. Too many of our great rivers have been discolored and polluted by industrial wastes and half-treated sewage.

The damaging effects of pollution are well known. Outdoor recreation suffers. Beaches have been closed to swimmers because of health hazards. Boating not only loses its esthetic appeal when waters are polluted, it becomes actually dangerous. The joys of waterside picnicking and camping are destroyed. Sport fishing produces few pleasures and fewer fish. Substantial economic loss is suffered by the recreation industry, which is an important source of income in many States.

Thus, the concept of a national scenic rivers system was developed to preserve in a free-flowing condition certain rivers which, with their immediate environments, possess outstanding and remarkable scenic, recreational, geologic, fish and wildlife, historic and cultural values. Such a system will protect such rivers and their immediate environments for the benefit and enjoyment of future generations.

The National Scenic Rivers Act has great significance for my State of Wisconsin. About 100 miles of its upper St. Croix River along with 85 miles of the Namekagon tributary and 24 miles of its Wolf River shall be preserved and protected.

The upper St. Croix and the Namekagon are among the last clean rivers near a major population center. Not far from the Minneapolis-St. Paul complex, this is an area that abounds with great natural beauty and is said to be the most popular boating water between Lake Michigan and the west coast.

The 24 miles of the Wolf River are located in the ancestral homes of the Menominee Indians. This undisturbed wild river is of great scenic and historical value to the Nation and to Wisconsin.

Mr. Chairman, Wisconsin is most fortunate to have the Upper St. Croix, the Namekagon and Wolf Rivers included in the National Scenic Rivers System, for they are unique in that they are truly wild rivers, a vanishing heritage of our original landscape.

(Mr. KASTENMEIER asked and was given permission to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I am happy to yield the gentleman from Oklahoma, a member of the committee.

Mr. EDMONDSON. I thank the distinguished chairman for yielding.

I want to state initially, Mr. Chairman, that I strongly support this bill. I think the bill illustrates beautifully the legislative skill of the chairman of the committee and the spirit of bipartisanship in which the Committee on Interior and Insular Affairs has worked in connection with this legislation all year.

There are two questions that would like to ask primarily to make a very clear record on two points.

The first has to do with the use of the term "river" in section 5(a). I am interested in having the comment of the chairman on this point—that when the word "river" is used, it is my understanding that it does not include the tributaries of the river unless those tributaries are specified. I note in the case of the Cumberland River, for example, a tributary is specified and in the case of the Obed in Tennessee the entire river and tributaries, Clear Creek and Daddys Creek are specified. But in the absence of the specification of tributaries, this language is not intended to designate tributaries of a river as additions to the scenic river system; and I correct?

Mr. ASPINALL. That is my understanding. In some of the language we have the entire river. The entire river, of course, would go from the mouth up to the source of the river. In some of the language we have only the main stem of the river. But it would be my understanding and feeling that this would not upset certain development programs that the gentleman from Oklahoma has in mind, and if he would propound his next question, I think we could bring that into focus.

Mr. EDMONDSON. As I have discussed with the chairman previously, there is some concern with regard to the potential impact upon watershed projects, soil conservation, reservoirs, and things of that sort that are on the tributaries of these rivers. There was concern, in the absence of a clear understanding on this point, that work of this sort on tributaries might be halted for the 5-year period that is specified. I would like to have clarification of that point.

Mr. ASPINALL. It is not my understanding that that will take place. It is

my understanding that the work my colleague speaks of will continue, especially as it relates to watershed projects, the Soil Conservation Act, and so forth.

Mr. HARSHA. Mr. Chairman, on that same point of definition of rivers will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Ohio.

Mr. HARSHA. On the definition of rivers, in section 15 of the bill, the term "river" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, small lakes.

Certainly that language would include a tributary, would it not?

Mr. ASPINALL. Here again the language was not supposed to take in the whole watershed. And we are talking only about a study. That is what we are talking about here. There is plenty of authority for any of the agencies in the executive branch that wish to make continuing studies to get in touch with the Secretary of the Interior and continue those studies.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. KYL. I think that this is a valuable conversation. There may have been some subsequent misunderstanding. But in this bill, whenever a tributary or a branch or any other division of a river other than a main branch of a river is concerned, it has been specifically named.

Mr. ASPINALL. That is my understanding of the legislation. That is the reason I was answering the gentleman from Oklahoma in this respect.

Mr. EDMONDSON. Mr. Chairman, I think that comment from you and from the ranking member of the committee makes it clear enough for my satisfaction. At this point I would like to move on, if I may, to another question which has to do with section 7, which contains the language already referred to by the chairman that would prohibit the Federal Power Commission from licensing the construction of any dam or reservoir on the rivers that are specified in section 5(a), and also contains the language that "no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration."

Section 7 contains an additional paragraph located on page 19 which outlines a procedure under which departments or agencies of the United States shall proceed when they want to recommend the authorization of any water resource project or request appropriations to begin the construction of any such project under which those agencies are required to give notice at least 60 days in advance of doing so to the Secretary of the Interior or, where national forest lands are involved, to the Secretary of Agriculture.

The point I wanted to get to on this is it is my understanding this section 7 must be considered in its entirety, and while it does contain a specific prohibition in section 7(b) against certain actions, it also contains very definite procedures under which agencies and and departments that confront a specific problem that has urgency or has national importance—and I am talking in terms of flood control problems or erosion problems or something of this kind—can initiate action to consider that problem on the giving of proper notice, and the overall effect of this section 7 is to halt primarily the actions of the Federal Power Commission and the actions of the departments without this notice being given. Am I correct in that?

Mr. ASPINALL. I am in agreement with my colleague's interpretation of this language. No, certainly it is not the intention of the sponsors of this bill—and I am one of the sponsors, although not the main sponsor—to hold up any development caused by any national emergency or even any local emergency.

Mr. EDMONDSON. I think it is the chairman's statement that it was not intended to lock up any river and that the committee was understanding of the fact that there would be certain things that would have to be done on some of these rivers and on which congressional authorization could be obtained and would be expected to be granted.

Mr. ASPINALL. Of course this is the whole thing, Congress can do anything it wants to with a study river or with a river not in the study classification.

Mr. EDMONDSON. So insofar as the present law and insofar as the Congress, that is not affected by this particular piece of legislation, and the departments and agencies that do need the power, upon the giving of 60 days notice, have it.

Mr. ASPINALL. That is correct.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Washington, a member of this committee.

Mr. MEEDS. Mr. Chairman, I asked for this time for the purpose of asking a question with regard to the study rivers. The gentleman will recall the discussion before the committee about not intending in this bill to foreclose other water resources development.

It was made clear that the designation of specific segments as "instant" scenic rivers, or designation for study for possible inclusion in the scenic system, should not mean that areas upstream or downstream of those areas should be locked up from development, through FPC or other agency action, as long as such development would not invade the area or diminish scenic, recreational, and fish and wildlife values present in the designated area on the date this proposal becomes law. I participated in that discussion, and it is my understanding that it was to make clear that there would be no moratorium against such developments that amendments were made to sections 7(a) and (b), to permit any such developments to proceed within the 5-year study period. Is that not correct?

Mr. ASPINALL. Mr. Chairman, the question of the gentleman from Washington follows very closely the context of the question of the gentleman from Oklahoma. The answer is "Yes."

That is certainly the case—the language to which the gentleman refers is to prevent the blocking of development that does not adversely affect the scenic river segment when that development is above or below the designated scenic river area.

That is what we have in mind. We do not wish to destroy other development.

Mr. MEEDS. Mr. Chairman, I thank the gentleman.

Mr. ASPINALL. Mr. Chairman, I yield now to my friend, the gentleman from Oregon [Mr. ULLMAN].

Mr. ULLMAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman from Colorado for his usual able treatment of a complicated and delicate subject.

In the State of Oregon we are very much concerned about State water rights. I wonder if the chairman would answer some questions for me.

First, What effect will this legislation have on water rights acquired under the laws of Oregon, both before and after enactment of this legislation?

Mr. ASPINALL. The first question I will answer this way, and I use the language from the Department of the Interior simply in order to get clarity at this time:

> Enactment of the bill would not in any way affect or impair any valid or existing water rights perfected under State law. In addition, further appropriations could be made and water rights perfected under State law so long as the subsequent appropriations would not adversely affect the designated rivers.

In other words, the rivers would be allowed to continue their flow as the scenic rivers waterway, but water rights designation would be left up to the States.

Mr. ULLMAN. Mr. Chairman, I thank the gentleman.

The second question is: Does this act constitute a reservation of water as the term is used in the Supreme Court's Pelton decision, and, if so, what are the limits of the reservation concept?

Mr. ASPINALL. I think I can answer that best in this way, by quoting from the letter of the Department of Interior.

> Enactment of the bill would reserve to the United States sufficient unappropriated water flowing through Federal lands involved to accomplish the purpose of the legislation. Specifically, only that amount of water will be reserved which is reasonably necessary for the preservation and protection of those features for which a particular river is designated in accordance with the bill. It follows that all unappropriated and unreserved waters would be available for appropriation and use under State law for future development of the area.

Mr. ULLMAN. I thank the chairman. This clarification is indeed helpful to me and to my State, and I thank the gentleman.

Mr. CULVER. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to my friend from Iowa.

Mr. CULVER. I thank the chairman for yielding to me.

I rise in strong support of this legislation.

Mr. Chairman, I want to add my support to the legislation before the House today to create a National Scenic Rivers System.

This legislation has been before the Congress for the past 4 years, and I am pleased that we are at last in a position to pass the measure this evening.

As you will recall, I contacted you the 1st of August, along with the chairman of the Rules and Interior Committees, to urge action through regular channels after the bill was rejected by voice vote under suspension of the rules in July.

And on Monday, 10 other Members of the House, representing nine States, with rivers in the bill, joined me in a letter to the chairman of the Rules Committee, which I ask to be included at this point in the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 9, 1968.

Hon. WILLIAM COLMER,
Chairman, House Rules Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: As a group of Congressmen who represent districts affected by the proposed legislation to establish a National Scenic Rivers System (H.R. 18260), we are writing to urge that your Committee grant a rule so that the measure can be brought to the floor of the House.

As you know, this type of legislation has been before the Congress for the past four years, and was passed by the Senate last year. When it was brought to the floor under suspension of the rules on July 15, it failed not because of any objection to the objectives of the bill, but rather as a result of opposition to one of the rivers in the study section of the measure.

If the objections to including that river in the bill are valid enough, then it could be eliminated from the legislation by an amendment on the floor. But there is no good argument for holding up the entire measure, which affects the conservation of our scenic river resources in every section of the country, just because local interests in one area have objections to the portion of the bill which affects them.

We therefore urge that your Committee act favorably on the legislation, and thank you for your attention to our request.

Sincerely,

JOHN CULVER, of Iowa; JAMES A. MCCLURE, of Idaho; JOHN A. BLATNIK, of Minnesota; WILLIAM HATHAWAY, of Maine; HAROLD JOHNSON, of California; DONALD E. LUKENS, of Ohio; JOSEPH E. KARTH, of Minnesota; JOSEPH RESNICK, of New York; ALVIN E. O'KONSKI, of Wisconsin; JOHN G. DOW, of New York; LAWRENCE G. WILLIAMS, of Pennsylvania.

As a result of the House Rules Committee action on Monday afternoon, we are debating the bill today, and I urge favorable action by the House of Representatives, to insure that these wild and scenic rivers, in every part of the Nation, are preserved for future generations to enjoy.

Mr. Chairman, I am particularly concerned that this legislation be passed because it includes as one of the 28 rivers selected out of the original 650 for further study, the upper Iowa River, which runs through Allamakee and Winneshiek Counties in the northern part of my congressional district.

I have had an opportunity to visit that unusually scenic area on many occasions, and only recently participated in a canoe trip along some of its most picturesque stretches.

The river and the surrounding area combine the most unique scenic, historic, conservation, and recreational resources, including the only stand of balsam fir in the entire State of Iowa, and palisades at the top of a cliff through which the river cuts its channel for more than 2 miles. Bass, trout, and wildlife are abundant, and the opportunities for boating, fishing, hiking, and picnicking are extensive.

It would be tragic if this great natural resource is not preserved, and it is for this reason that, at the appropriate time, I will offer an amendment to expedite consideration of it for inclusion in the scenic rivers system.

Mr. Chairman, I urge the House to act today, to insure that after 4 years of discussion and debate, this national scenic rivers program will at last be underway.

(Mr. CULVER asked and was given permission to revise and extend his remarks.)

Mr. ASPINALL. Mr. Chairman, I ask unanimous consent that the colloquy be printed at the end of my full statement, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] be permitted to extend his remarks at the end of my statement and the colloquy.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. DELLENBACK. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to my friend from Oregon.

Mr. DELLENBACK. I have listened very carefully to the remarks of my colleague from Oregon. We are deeply concerned about water rights in our State, as the gentleman pointed out. I appreciate the answer of the chairman.

May I ask whether there will be an opportunity, in the event this bill passes today and goes to a conference with the Senate, to discuss with the conferees this question, particularly so far as the Rogue River of Oregon is concerned, on the segment description extending from a certain place in the road to a certain place in the road, toward the eventual possible modification of one or the other extreme on this particular river?

Mr. ASPINALL. I would suggest to my colleague that when the conferees are appointed he should then get in touch with the conferees. That would be the way to reach it. There is no possibility of appearing before the conference committee as such.

Mr. DELLENBACK. I did not mean to express myself as desiring to appear bebefore the conferees. Rather, I wish to discuss this with the conferees. I assume the gentleman will be one of the conferees.

Mr. ASPINALL. The gentleman must not assume that, because the gentleman from Colorado is departing from Washington next Thursday and he is not sure he will be a conferee. The other members of the conference committee will be able men.

Mr. DELLENBACK. I should like to state at this point in the RECORD that the concept of the scenic river is, I believe, a highly desirable one. I am delighted personally to see a segment of the Rogue River included therein. I am delighted, frankly, to see the Illinois, also in my district, included as a study river.

The only serious question about this which has been raised by the people of my district has to do with the upper and lower limits which might possibly be included. It is this I am concerned about. Rather than seeking any amendment at this particular point today I would rather rely on the hope we will be able to discuss with the conferees a possible amendment to that section of the bill.

Mr. ASPINALL. I thank my friend from Oregon. We did the best we could with the information we had at our disposal. I would suggest, even if this bill does pass, it does not finalize the action. There is always another conference, and if a hardship is worked there is always an opportunity to take care of that hardship.

Mr. DELLENBACK. I know the chairman is aware that my people hoped to have a hearing in our area. It has not been possible to have such a hearing. This has been discussed with the chairman. It is with this in mind we hope this can be done.

Mr. ASPINALL. The gentleman is correct.

Mr. SKUBITZ. Mr. Chairman, I yield myself such time as I may consume.

(Mr. SKUBITZ asked and was given permission to revise and extend his remarks.)

Mr. SKUBITZ. Mr. Chairman, first I want to commend the able chairman of our committee, the gentleman from Colorado [Mr. ASPINALL], and the ranking Republican member, the gentleman from Pennsylvania, [Mr. SAYLOR], for the outstanding job they did in putting this bill together. I would be remiss if also I did not say a word about my good friend JOHN KYL, and the constructive suggestions he made while this bill was before us for consideration.

Mr. Chairman, I rise in support of H.R. 18260, a bill to provide for the establishment of a National Scenic Rivers System. This bill is one of the major conservation measures before the 90th Congress, and its passage and enactment will mark a place in the history of conservation for all time to come.

I should also tell you that I am pinch-hitting today for our colleague, Mr. Conservation—JOHN SAYLOR—the sponsor of this legislation, who cannot be with us due to the untimely passing of his brother. However, I can assure my colleagues that JOHN SAYLOR, our ranking minority member, enthusiastically supports and endorses the passage of this legislation.

H.R. 18260, to be known as the National Scenic Rivers Act of 1968, declares as a matter of policy that certain selected rivers of this Nation which possess outstanding and remarkable scenic

values should be preserved in their free-flowing condition.

In order to implement this policy this bill establishes a national scenic rivers system, designates six rivers as the initial components of the system, and prescribes the methods and standards by which additional rivers may be added to the system. A scenic river area eligible for inclusion in the system is a free-flowing stream and related adjacent land area that possesses one or more of the scenic values set out in the bill.

The national scenic rivers system will comprise rivers which are authorized for inclusion in the system either, first, by an act of Congress; or, second, by an act of the State legislature. The rivers included in the system will be classified, designated, and administered a class I, II, or III scenic river areas.

Class I rivers are those rivers or sections of rivers that are free of impoundments and are inaccessible except by trail, with watersheds and shorelines primitive and its waters unpolluted.

The class II rivers are those rivers or sections of rivers which have no impoundments, with primitive watersheds and shorelines largely undeveloped, but accessible by roads.

The class III rivers are those rivers readily accessible by road or railroad and have some development along the shorelines and which have undergone some impoundments.

Boundaries for the initial components of the system must be established within 1 year from the date of the act and such boundaries can average not more than 320 acres per mile on both sides of the river. In addition, a plan of development must be published in the Federal Register by the administering agency.

Section 4 of the bill provides that the Secretaries of Interior and Agriculture shall study and submit proposals for additions to the system after coordinating the study and plan with any water resources planning involved. The reports of such studies will be printed as Senate and House documents after the comments and recommendations are obtained from the Federal departments and agencies affected by the proposal.

Section 5 of the bill designates 28 rivers as potential additions to the national scenic rivers system and provides that the studies and reports on such rivers shall be completed within 15 years from the date of the act, and further specifies that priority of study is to be given those rivers on which there is the greatest likelihood of development.

The studies authorized by section 5 of the bill are to be made in close cooperation with the States and no study of a particular river is to be undertaken if the State certifies through its Governor that the State is prepared to make the study for the purpose of proposing its inclusion in the national scenic rivers system. In addition, section 5 directs the Federal agencies to consider the potential scenic river values in all planning for use and development of water and related land resources.

Section 6 of the bill provides the authority for the acquisition of lands and interests therein, requires that no lands owned by an Indian tribe, a State or political subdivision may be acquired without the consent of the owner, and further provides that revenues in addition to the land and water conservation fund shall be made available for land acquisition.

This section also authorizes the exchange of Federal lands for non-Federal lands, authorizes the transfers of jurisdiction over lands administered by other Federal agencies and permits the acceptance of donations of lands, funds, and other property for the purposes of the act.

Section 7 of the bill prohibits the Federal Power Commission from licensing the construction of project works and any other department or agency from recommending water resource projects which would have a direct or adverse effect on the initial components of the system or those hereinafter designated for inclusion in the system.

However, with regard to the rivers in the study category this section prohibits the same action by the Federal Power Commission and other Federal departments and agencies for 5 years following enactment of this act and an additional period of 3 years if the river is recommended for inclusion in the system by an act of Congress or 1 year if the river is to be included by an act of the State legislature.

These prohibitions do not apply to the upstream or downstream portions of those rivers where developments can take place if not directly adverse to the scenic river values.

The bill further specifies for the withdrawal of public lands within the boundaries of the initial components of the system and for the temporary withdrawal of the public lands of the potential additions named in section 5 for a period of 5 years.

Section 9 of the bill pertains to mining claims and the mineral leasing laws as they affect the administration of the national scenic rivers system.

Section 10 sets forth some guidelines on the administration of the scenic rivers areas.

Section 11 encourages State and local scenic rivers areas as part of the States' outdoor recreation plans.

Section 12 directs all Federal departments and agencies to review their programs and plans so as not to adversely affect the rivers in the study category for the 5-year period.

Mr. Chairman, I would like to emphasize, however, that of the approximately 100,000 miles of rivers and tributaries in the United States averaging a flow of at least 550 cubic feet per second, only a few of these rivers remain relatively unspoiled in a wild or scenic setting. But, there still remains a few free-flowing rivers or segments of free-flowing rivers which still retain enough of their original character to justify the need for this type of legislation.

The rivers of this Nation were our earliest avenues of commerce and travel—the avenues of our early American history which have sustained our spirit and enlarged our vision for more than three centuries. We have harnessed the rivers of our Nation to control their flood waters, to aid navigation, to increase farm productivity, to generate electric power, to provide outdoor recreation, to provide the water we drink, and sustain the fish and wildlife we eat.

Mr. Chairman, this bill, H.R. 18260, will preserve, reclaim, and guarantee America her heritage of unspoiled, unpolluted free-flowing rivers for the benefit and enjoyment of all the American people and future generations. Mr. Chairman, I support the passage of H.R. 18260.

Mr. Chairman, I yield 3 minutes to the gentleman from Idaho [Mr. McCLURE].

Mr. McCLURE. Mr. Chairman, I thank the gentleman very much for yielding me this time. I appreciate the opportunity to appear on behalf of this measure and make just one or two comments which have not already been pointed out.

It is not my purpose to prolong this discussion. However, it should be pointed out for the benefit of those people who are concerned about the amount of land that might be consumed along the boundaries or sides of these rivers that there is provision in the act that these boundaries must be stated in a developed plan. On the instant rivers, those in the instant category, this plan will be developed and submitted to the Congress through the appropriate agencies and, in addition, will be published in the Federal Register. Those people and those interests affected by this developed plan will have an opportunity to urge modifications to the plan before it becomes final. For those rivers contained in the study section of the bill, before they can be included in the scenic rivers system they must first have a detailed plan showing the boundaires and the plan of development submitted to the Congress for approval. I would have preferred this, had this been possible for the instant section, but it was not possible to get that part accepted. This part requiring the prior approval of the Congress of detailed plans will give adequate flexibility to make exception to those streamside developments which should not be disturbed. This is of particular importance, I know, to a number of people where there may be segments of the river totally undeveloped which could be put into a class 1 scenic river but with one or two isolated developments which could then be excluded by drawing of the boundaries of that river rather than by exclusion of the river itself. This I think is landmark legislation which affects the people of Idaho and the people of my district very extensively. Over half of the river mileage affected in the instant section of this bill lies in the State of Idaho and most of it in my congressional district. It has the support of the people of Idaho and I am sure those in other areas of the Nation will find this kind of a development for recreation can be very useful not only for the present but in the years to come.

Mr. SKUBITZ. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Ohio [Mr. HARSHA].

(Mr. HARSHA asked and was given permission to revise and extend his remarks.)

Mr. HARSHA. Mr. Chairman, I take this time to call to the attention of the chairman of the committee if I may have the attention of the chairman, to point up my concern with that section called the Little Miami River and designated as the "entire river" in the study provision of this bill.

Under the definition of "river" and the use of the phrase "entire river" I am certainly of the opinion, although I am aware of the colloquy that previously took place, I am certainly of the opinion that this would include all or any tributaries or branches of the Little Miami River.

My primary concern is with the fact that there are two flood control projects on tributaries to the Little Miami River, one of which is within the confines of the Sixth Congressional District. I cannot find in this bill any provision which would eliminate or take those particular projects out of the processes set forth in this bill even though they have been previously authorized by the Congress.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I am happy to yield to the distinguished gentleman from Colorado.

Mr. ASPINALL. The present facility that has been previously authorized by Congress will stand as it is, subject to the construction and development as planned by Congress. If a study is made of that river, the study will have to be made in accordance with that facility.

Mr. HARSHA. I want to make it eminently clear that a project that had previously been authorized and is now under some stage of development regardless of what that stage may be, does not come within the purview of this bill.

Mr. ASPINALL. Mr. Chairman, if the gentleman will yield further, the gentleman is correct.

Mr. HARSHA. I thank the chairman for his responses to my question. While I am perfectly willing to accept his explanation and have every confidence in his interpretation of the bill, I still have an amendment that I propose to offer at the proper time to make this perfectly or abundantly clear.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BROWN of Ohio. Mr. Chairman, consideration of the scenic rivers bill today represents the culmination of several months of effort by a number of Members of Congress on both sides of the aisle who are passionately interested in preserving the natural resources and beauty of our Nation for the use of our people now and for many years to come. I am proud to have had a part in working toward the inclusion in this legislation of the Little Miami River in Ohio, a beautiful stream whch flows through a large portion of the Seventh Congressional District which I have the honor to represent.

In the consideration of this legislation and the inclusion of the Little Miami River, it has been necessary to work out the kind of compromise so often needed for success in legislative undertakings. While I would have preferred to see the entire Little Miami River and its tributaries from source to mouth included in this legislation, this total inclusion would have involved portions of the river which lie in congressional districts represented by other Members of Congress. Some of these parts of the river are much more touched by the hand of man than are the upper reaches of the river which lie in my area. For this and other reasons, some Members wished to have excluded portions of the river in their areas.

Of particular concern was the question of whether the East Fork Reservoir and the Caesar Creek Reservoir projects might be halted or delayed by the inclusion of all the Little Miami in the scenic rivers study. While I think the language of the legislation is clear in this regard and that the study of the Little Miami would not jeopardize the completion of the Caesar Creek and East Fork projects, the amendment worked out with Congressman HARSHA will remove any question or concern about conflict between the Little Miami's becoming a scenic river and the eventual completion of Caesar Creek and East Fork.

This compromise which the gentleman from Ohio [Mr. HARSHA] will introduce has the concurrence of the distinguished chairman of the Interior and Insular Affairs Committee, my respected colleague, WAYNE ASPINALL, of Colorado, as well as Congressman TAFT and Congressman LUKENS, in whose districts the Little Miami also flows. Perhaps I should note for the benefit of those of my colleagues who are not aware of it, that Congressman ASPINALL is in a way a constituent of mine. At least he was familiar with the Seventh District before I was, since he was born there in Logan County. His interest in the Little Miami River is natural, therefore.

The Little Miami River, from its headwaters in the Seventh Ohio District near South Charleston in Clark County to its mouth at the Ohio River near Cincinnati, winds 105 miles and descends from its source elevation of 1,137 feet to the 448-foot level. From the flat farmlands in Clark County the river plunges into a deep, narrow gorge at Clifton and later through steeply wooded areas and again through gently rolling hills. Besides the many beautiful scenic areas, the river and the immediately surrounding countryside is rich in historical and recreational features. Nineteen sites from three prehistoric cultures are located in the area near Cincinnati, a popular tourist attraction which should be preserved. The Adena culture, mound-building Indians dating from 1000 B.C. to 700 A.D., is the oldest.

Other historical landmarks in the Little Miami area include: the second oldest—1788—settlement in the Northwest Territory; a Quaker meetinghouse built in 1800 which is still standing; Clifton Mill, built in 1835; two early taverns frequented by stagecoach travelers, one of which, the Golden Lamb, is still serving and is known as one of the best and most famous hostelries and dining places in the Midwest; several covered bridges, and Kings Mills, formerly the site of a large powder plant active from the Civil War through World War II. These, and many more historical sites, are threatened by the encroaching industrialization and "urban sprawl," the destructive bulldozer leveling ground for more subdivisions.

The Little Miami and the surrounding area are still extensively used for camping, fishing, canoeing, hiking, riding, hunting, sightseeing, and field studies for historical, archeological, biological, and geological work. We are happy in Ohio to still have such a resource—but we need help to save it.

The Little Miami is within an hour's drive of the huge metropolitan areas of Dayton and Cincinnati, not to mention many rapidly growing smaller cities. If the Little Miami is not preserved, what is today the source of enjoyment for these people will be destroyed by them tomorrow.

Finally, I want to add that the people of the region want the Little Miami preserved in its natural State, the local agencies so want it, and so does the State of Ohio. The Federal Government, therefore, would be participating in a partnership.

While it is not possible for me to be present today for the final vote on this legislation because of a long-standing commitment in Ohio, I fully expect the legislation to pass without significant opposition and trust that my colleagues will support this land-mark bill which takes new steps toward the preservation of our Nation's rapidly dwindling natural resources and beauty.

Mr. SKUBITZ. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. CARTER].

(Mr. CARTER asked and was given permission to revise and extend his remarks.)

Mr. CARTER. Mr. Chairman, I have an amendment which will be offered at the proper time concerning the Big South Fork of the Cumberland River and its tributaries. As it happens there have been plans for many years for this river other than it being a scenic river.

Certainly, Mr. Chairman, I support the major provisions of this bill, in part, but not that part which refers to the river which lies in the congressional district which it is my honor to represent and which involves my district, but also the State of Tennessee and that portion thereof which is represented by the gentleman from Tennessee [Mr. DUNCAN] who is also alarmed at the inclusion of that river in the present bill.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, that portion of the west branch of the Susquehanna River which is included in this bill (H.R. 18260) is entirely in my district. I have requested that it be debted from this bill because plans are under way for industrial expansion along the river which makes it unwise to make a scenic river of this river at this time. Also soon the Federal Interstate Highway No. 80 will be open across the central part of the State of Pennsylvania and this new highway parallels the Susquehanna River. This new highway will open vast areas along the river to expansion both commer-

cially and industrially and it therefore would not be in the best interest of the area to close the ring to this type of use at this time.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in support of this legislation to establish a national scenic rivers system.

Many months and years of work and effort have gone into this bill by many people and I am proud to serve in the House at the time this is finally considered by this body.

We in Wisconsin are pleased with the inclusion of two of our rivers. This action will do much to insure the preservation of two of our most precious resources.

The action of the chairman of the Interior and Insular Affairs Committee, the gentleman from Colorado [Mr. ASPINALL] and the ranking minority member, the gentleman from Pennsylvania [Mr. SAYLOR], in getting action by the Committee on Rules in order to bring the bill to the House is commendable and I join in paying tribute to them.

Mr. Chairman, I urge the House to adopt this legislation so that before the 90th Congress adjourns the scenic rivers system can become a reality.

Mr. FRASER. Mr. Chairman, I urge the passage of this bill and commend the members of the Interior and Rules Committees for giving us another chance to vote on it following its unfortunate defeat several weeks ago.

Mr. Chairman, I am a cosponsor of a bill similar to the one passed by the Senate, which would place wild and scenic rivers in two categories rather than in the one scenic category provided by the House bill. My particular interest is in the St. Croix River of Minnesota and its Wisconsin tributary, the Namekagon.

Under the bill before us, the upper St. Croix would be one of six streams designated as a scenic river; the lower St. Croix would be one of 28 streams to be considered for possible later inclusion in the system. Under the Senate bill, the upper St. Croix would be a wild river, while the lower St. Croix would be a scenic river.

It is my desire, Mr. Chairman, that the conferees on this bill will agree on a compromise that will include the lower part of the St. Croix, as well as the upper, in a national system of rivers set aside on the basis of their scenic and recreational value.

My interest in the St. Croix, as many of my colleagues know, is personal as well as professional. Since I was a boy, my family has had a summer home on this beautiful stream. We continue to enjoy all the numerous assets that it offers, particularly swimming and canoeing. Only this summer, in fact, three of my children have taken canoe trips down the upper St. Croix.

We all share an interest in the recreational resources of the Nation as a whole. Four of the six proposed scenic rivers in this bill are western rivers. Only two, the St. Croix and the Wolf in Wisconsin, are midwestern rivers. The St. Croix is unique; it is the only clean, free-flowing, relatively undeveloped stream of its kind that is so close to a major metropolitan area. It offers a water playground only minutes away from Minneapolis and St. Paul. And, because it is in the center of the country, it provides recreational pleasure for other population centers in the Midwest.

By passing this bill, Mr. Chairman, we have the opportunity to preserve not only the St. Croix but other priceless streams. Civilization continually threatens our dwindling scenic and recreational areas.

This bill is as important a conservation measure as we will pass this session.

Mr. HANSEN of Idaho. Mr. Chairman, as a cosponsor of H.R. 18260, it had my enthusiastic support in committee and after. On Monday, September 9, I testified in its behalf before the House Committee on Rules to whom it had been referred after the unsuccessful attempt to pass it under suspension of the rules.

I am pleased that a rule was granted, and I am hopeful the bill will pass the House almost unanimously.

The concept of the scenic rivers bill is, in some rather significant aspects, a companion measure to the Wilderness Act passed in an earlier Congress. The basic thrust of both is to preserve segments of rivers that are now largely undeveloped and free flowing, along with shoreline strips, so that we will pass on to our children examples of what the rivers of America were like in their natural or seminatural condition.

The proposal calls for the designation of a few rivers initially to be included in the system, and to specify certain additional ones for study; and to require that subsequent additions be by act of Congress—following the general pattern of the Wilderness Act.

Two Idaho rivers are in the "instant" section—the Clearwater between Lowell and Kooskia and sections of two of its major tributaries, the Selway and Lochsa, all of which rise on the western slopes of the rugged Bitterroot Mountains in north-central Idaho, and the beautiful middle fork of the Salmon River, which contains some of America's best white water.

Included in the study section are the Bruneau, the St. Joe, the Priest, the Moyie, and the Salmon from North Fork downstream to its confluence with the Snake. Recommendations submitted under the study section will be developed in consultation with the States and those Federal agencies which normally participate in the development of recreation and comprehensive river basin plans. The bill allows 15 years for the studies and provides that priority shall be given those in the greatest danger of developments which, if they should materialize, would render the rivers unsuitable for inclusion in the scenic rivers system.

Mr. SKUBITZ. Mr. Chairman, I have no further requests for time.

Mr. ASPINALL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "National Scenic River Act of 1968".

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

(c) The purpose of this Act is to implement this policy by instituting a national scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

SEC. 2. (a) The national scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as scenic rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as scenic rivers by an agency or political subdivision of the State or States concerned without expense to the United States, that are found by the Secretary of the Interior, upon application of the Governor of the State or the governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine, and that segment of the Wolf River, Wisconsin, which flows through Langlade County.

(b) A scenic river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every scenic river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national scenic rivers system, and if included, shall be classified, designated, and administered as one of the following:

(1) *Class I scenic river areas*—Those rivers or sections of rivers that are free of impoundments and inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) *Class II scenic river areas*—Those rivers or sections of rivers free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) *Class III scenic river areas*—Those rivers or sections of rivers which are readily accessible by road or railroad, which may have some development along their shorelines, and which may have undergone some impoundment or diversion in the past.

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national scenic rivers system:

(1) CLEARWATER, MIDDLE FORK, IDAHO.—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

(2) RIO GRANDE, NEW MEXICO.—The segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

(3) ROGUE, OREGON.— The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the Interior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

(4) SAINT CROIX, MINNESOTA AND WISCONSIN.—The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: *Provided,* That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this Act may be expended for the acquisition or development of lands in connection with, or for administration under this Act of, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, including the company's right, title, and interest to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river, in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (e) of section 10 of this Act.

(5) SALMON, MIDDLE FORK, IDAHO.—From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

(6) WOLF, WISCONSIN.—From the Langlade-Menominee County line downstream to Keshena Falls; to be administered by the Secretary of the Interior.

(b) The agency charged with the administration of each component of the national scenic rivers system designated by subsection (a) of this section shall, within one year from the date of this Act, establish detailed boundaries therefor (which boundaries shall include an average of not more than three hundred and twenty acres per mile on both sides of the river); determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

SEC. 4. (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and from time to time submit to the President and the Congress proposals for the addition to the national scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system; which, in his or their judgment, fall within one or more of the classes set out in section 2, subsection (b), of this Act; and which are proposed to be administered, wholly or partially, by an agency of the United States. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.).

Each proposal shall be accompanied by a report, including maps and illustrations showing among other things the area included within the proposal; the characteristics which make the area a worthy addition to the system; the current status of landownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area be administered; the extent to which it is proposed that administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area as a component of the system. Each such report shall be printed as a Senate or House document.

(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress.

(c) Before approving or disapproving for inclusion in the national scenic rivers system any river designated as a scenic river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national scenic rivers system:

(1) Bruneau, Idaho: The entire main stem.

(2) Buffalo, Tennessee: The entire river.

(3) Chattooga, North Carolina, South Carolina, and Georgia: The entire river.

(4) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.

(5) Cumberland, Tennessee: The entire Big South Fork and its tributary, the Clear Fork.

(6) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.

(7) Eleven Point, Missouri: The segment in the State of Missouri.

(8) Feather, California: The entire Middle Fork.

(9) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

(10) Gasconade, Missouri: The entire river.

(11) Illinois, Oregon: The entire river.

(12) Little Miami, Ohio: The entire river.

(13) Missouri, Montana: The segment between Fort Benton and Ryan Island.

(14) Moyie, Idaho: The segment from the Canadian border to its confluence with the Kootenai River.

(15) Niobrara, Nebraska: The main stem segment from the confluence of Antelope Creek to the headwaters of the proposed Norden Reservoir east of the town of Valentine, and the lower eight miles of its tributary, the Snake River.

(16) Obed, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.

(17) Penobscot, Maine: Its east and west branches.

(19) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville.

(20) Priest, Idaho: The entire main stem.

(21) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the east boundary of Terrell County on the United States side of the river: *Provided,* That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.

(22) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.

(23) Saint Joe, Idaho: The entire main stem.

(24) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.

(25) Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek; the Cascade River between its mouth and the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glavier Peak Wilderness Area boundary at Mills Creek; the Sauk Rievr from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

(26) Susquehanna, New York and Pennsylvania: The segment between a dam at Cooperstown, New York, and the town of Pittston, Pennsylvania, and the segment of the West Branch Susquehanna between Clearfield and Lock Haven, Pennsylvania.

(27) Suwannee, Georgia and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.

(28) Upper Iowa, Iowa: The entire river.

(b) The Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture shall proceed as expeditiously as possible to study each of the rivers named in subsection (a) of this section in order to determine whether it should be included in the national scenic rivers system. Such studies shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within fifteen years from the date of this Act. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments which, if undertaken, would render them unsuitable for inclusion in the national scenic rivers system.

(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national scenic rivers system. No study otherwise required by this section shall be undertaken or pursued in the case of any stream or section of a stream which the Governor of the State in which it is located certifies the State or one of its agencies or political subdivisions is prepared to study for the purpose of determining whether it should be proposed for inclusion in the national scenic river system so long as the State or one of its agencies or political subdivisions does in fact pursue said study with diligence. Nothing contained in the preceding sentence, however, shall be taken to forbid the Secretary of the Interior or the Secretary of Agriculture to cooperate with the State, the agency, or the political subdivision in undertaking and carrying out the study.

(d) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national scenic river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional scenic river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

SEC. 6. (a) The Secretary of the Interior is authorized to acquire lands and interests in land within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by act of Congress. Lands owned by an Indian tribe, by a State, or by a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe, State, or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

(b) The Secretary of the Interior is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State or States in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(c) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the Secretary of the Interior jurisdiction over such lands for administration in accordance with the provisions of this Act.

(d) The Secretary of the Interior is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national scenic rivers system.

(e) Subsections (a), (b), (c), and (d) of this section shall apply with equal force to the Secretary of Agriculture in the case of any component of the national scenic rivers system which is within his administrative jurisdiction. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

SEC. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a scenic river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the scenic river area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determnied by the Secretary responsible for its study or approval—

(i) during the five-year period following enactment of this Act unless, prior to the expiration of said period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, conclude that such river should not be included in the national scenic rivers system and publish notice to that effect in the Federal Register, and

(ii) during such additional period thereafter as, in the case of any river which is recommended to the President and the Congress for inclusion in the national scenic rivers system, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national scenic rivers system under section 2(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential scenic river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential scenic river area on the date of approval of this Act.

No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601–5 et seq.).

SEC 8. (a) All public lands within the authorized boundaries of any component of the national scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act.

SEC. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national scenic rivers system except that—

(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the

Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a class I scenic river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriations under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance of leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included within the system.

SEC. 10. (a) Each component of the national scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

(b) Any portion of a component of the national scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(c) Any component of the national scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(d) The Secretary of Agriculture, in his administration of any component of the national scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(e) The Federal agency charged with the administration of any component of the national scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

SEC. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local scenic river areas. He shall also in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such scenic river areas.

(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them, assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such scenic river areas.

SEC. 12. (a) The Secretary of the Interior, the Secretary of Agriculture, and heads of other Federal agencies shall review administrative and management policies, regulations, contracts, and plans affecting lands under their respective jurisdictions which include, border upon, or are adjacent to the rivers listed in subsection (a) of section 5 of this Act in order to determine what actions should be taken to protect such rivers during the period they are being considered for potential addition to the national scenic rivers system. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

(c) The head of any agency administering a component of the national scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

SEC. 13. (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety and shall issue appropriate regulations on public safety after consultation with the wildlife agency of the State or States affected.

(b) Nothing in this Act shall constitute an express or implied claim or denial on the part of the United States with respect to the applicability to it of, or to its exemption from, State water laws, and nothing in this Act shall be construed to alter, amend, or repeal any interstate water compact which has heretofore been entered into by States which contain any portion of the national scenic rivers system and to which the consent or approval of the Congress has been given.

(c) A State shall have such rights as may be necessary to assure adequate access by such State to the beds of navigable rivers which are vested in the State, in case such beds are located in a national scenic river: *Provided,* That no river, the bed of which is vested in a State, shall be included in the national scenic rivers system pursuant to section 2, subsection (a)(ii), of this Act without certification by the State that it will not permit mining or similar disruption of its bed.

(d) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided,* That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act and shall not be based upon the Department of the Interior or Department of Agriculture regulations relating to granting rights-of-way for power transmission lines issued March 23, 1963 (28 F.R. 2903, 2905; 43 C.F.R. 2234.4, 36 C.F.R. 251.52).

SEC. 14. The claim and allowance of the value of a conservation easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

SEC. 15. As used in this Act, the term—

(a) "River" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, small lakes, and, as provided in this Act, manmade waterways.

(b) "Free-flowing", as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modfication of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national scenic rivers system shall not automatically bar its consideration for such inclusion: *Provided,* That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national scenic rivers system.

(c) "Conservation easement" means a perpetual interest in land, however created or expressed, which interest (1) is held by or for the benefit of the United States or the people of the United States, a State or the people of a State, or another public body

or the people of such body, (ii) is specifically enforcible by its holder or beneficiaries, and (iii) limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of the land and activities conducted thereon, the disturbance or modification of the surface or subsurface thereof, the structures placed or maintained thereon, or the growth, planting, removal, destruction, or damaging of vegetation thereon, or in other respects in connection therewith, all as more specifically spelled out in the document by which such interest in land is created, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it and of flora, fauna, and archeological or historic remains on it or them and the preservation of the values thereof for scientific study and for public enjoyment by present and future generations.

SEC. 16. There are hereby authorized to be appropriated such sums as may be necessary, but not more than $17,340,000, for the acquisition of lands and interests in land under the provisions of this Act.

Mr. ASPINALL (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, that it be printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AMENDMENT OFFERED BY MR. CARTER

Mr. CARTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARTER: On page 9, strike lines 23 and 24, and renumber succeeding paragraphs, and any references thereto accordingly.

Mr. CARTER. Mr. Chairman, again I ask that the South Fork of the Cumberland River and its Clear Fork Branch be taken out of this legislation by this amendment.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I will be glad to accept the amendment at this time.

Mr. CARTER. I thank my distinguished chairman.

Mr. Chairman, for many years a proposal to construct Devils Jumps Dam on the South Fork of the Cumberland River in my district has been under consideration. Such construction would adversely affect relatively few people, since no more than half a dozen families live in the area covered. Ninety-five percent of the people in this area of Kentucky and neighboring Tennessee strongly support construction of Devils Jumps.

The present Congressman, the gentleman from Tennessee [Mr. DUNCAN], supports the dam. The man who will more than likely represent this district in 1969, the gentleman from Tennessee [Mr. EVINS], supports it.

I ask that the South Fork of the Cumberland River and its Clear Fork Branch be taken from this legislation.

I offer as an amendment to H.R. 18260: on page 9, strike out lines 23 and 24, and renumber succeeding paragraphs and any references thereto accordingly.

How this river became a part of the scenic rivers bill is a question. Certainly, I made no such proposal. The proposed damsite will be within my district. As I understand, neither of the other affected Representatives, the gentlemen from Tennessee [Mr. DUNCAN and Mr. EVINS], made such a proposal. Both gentlemen support my proposal to eliminate the Big South Fork of the Cumberland with its Clear Fork Branch.

The proposed dam would create an abundance of power and would be an invitation to industry to move into this part of the country, which would be a great help to the poor people of this depressed Appalachian area.

The Corps of Engineers strongly supports the projected dam at Devils Jumps. The cost-benefit ratio is above 1.5.

Mr. Chairman, I feel that the action of inclusion of this river and its tributary in the scenic rivers bill is arbitrary. Certainly, I should not go into one of my neighboring districts and tell them what should be done with their area.

On May 9, a meeting was held in McCreary County, attended by leaders of this region in Kentucky and Tennessee, and presided over by Colonel Fishback, at that time the district engineer of the Cumberland River district. Fully 95 percent of the people present opposed inclusion of the Big South Fork as a scenic river.

Mr. Chairman, I ask that the Big South Fork of the Cumberland River and its tributary, Clear Fork, be taken out of the scenic rivers bill.

Mr. DUNCAN. Mr. Chairman, I rise in support of the deletion amendment of my colleague, the gentleman from Kentucky [Mr. CARTER].

For a long number of years the Devil's Jump Dam on the Big South Fork in Tennessee and Kentucky has been proposed. There is much controversy as to whether the dam should be built, or to permit the river to remain a free-flowing stream.

By conference report No. 1819, dated July 29, 1968, in connection with the Rivers and Harbors Flood Control Act of 1968, this House ordered a study and review of this project, with a report to be made to the Congress not later than December 31, 1969.

This study is to be carried out in cooperation with the Chief of Engineers, the Secretary of the Interior, and the Secretary of Agriculture, the report to recommend the appropriate use of the river.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. CARTER].

The amendment was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I note that the cost of this bill on the face of it is some $17 million, and that is for land acquisition, as I understand it—land acquisition only. Is that correct?

Mr. ASPINALL. The gentleman is correct. This is in accordance with the provisions we have made relative to the land and water conservation fund, and expenditures therefrom. This is part of the expenditures that we have projected for the next 5 years.

Mr. GROSS. And that is only for a very limited number of streams in this country?

Mr. ASPINALL. The gentleman is correct, just for the six streams.

Mr. GROSS. Has there been any projection as to the cost of this program in the future? This is the initiation of the program, is it not?

Mr. ASPINALL. There have been projections as far as the six rivers that are authorized as to the cost of those rivers, but until the studies are made for the other rivers, of course, there is no projection in the future. That is the reason why we placed them in the study provisions, so that they would have to come back to the Congress and make their requests known.

Mr. GROSS. But on the basis of costs for the limited number of streams involved in this bill, the program will involve billions of dollars, will it not, if carried out as it is being initiated in this legislation?

Mr. ASPINALL. If my colleague will yield further to me, I do not believe it will cost any money like that, as far as that is concerned. We are trying to be more factual in our approach to the case than some of the other programs that we have had existing for a period of time for water resources development, which have unlimited or open-end authorizations.

I look to see this program, if it is continued throughout the next 25 years, to cost considerably more than $17.5 million, but I believe that is up to the Congresses in the future.

Mr. GROSS. What are the studies going to cost?

Mr. ASPINALL. These studies will not cost too much, and they will be carried on over a 5-year period, or 15-year period that they will be carried on, as far as that is concerned.

Mr. GROSS. Are the studies going to be carried on in-house—that is with employees presently on the payrolls? Or is this going to result in a beefing up of Federal payrolls in order to conduct these studies?

Mr. ASPINALL. I would hope that they will, certainly I hope they are carried on with the same personnel that they have at the present time. They have already studied some rivers, and they should continue to study rivers.

Mr. GROSS. There is no estimate, is there, of the man-hours or man-months or man-years that these studies will require?

Is there any estimate or report on that?

Mr. ASPINALL. I do not know whether we have a report on that, I will say to my colleague from Iowa, but some place in our hearings, or in our files, we have an estimate from the Director of the Bureau of Outdoor Recreation that the studies would amount to some place in the neighborhood of $50,000 per river. Then they would have to come before the Committee on Appropriations in order to secure this money.

Mr. GROSS. But the gentleman does believe—and I hope that he will insist that those already on the payroll be ade-

quate to carry on the studies envisaged here?

Mr. ASPINALL. I would hope for that, and if it is within my power I shall insist on it, although my colleague knows as well as I do that the Outdoor Recreation Bureau has increased in personnel considerably since we authorized it, largely because of the demands of the people of the United States, and may I say, to be perfectly honest, because of some of the requests of Members of the Congress.

Mr. GROSS. I would like to have all the assurances that I can get from the gentleman.

I note on page 11 of the bill that a study will be made of the Rio Grande River at certain points on the U.S. side. Then there is this proviso governing that study:

> That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.

In other words, are you saying that under this bill we cannot study the U.S. side of the Rio Grande River without the permission of Mexico?

Mr. ASPINALL. No; that is not the intention.

Before you could include the whole Rio Grande River, half of which, from the middle of the stream of course, is under the jurisdiction of old Mexico, the intention was that we would come to an agreement with Mexico so that Mexico could cooperate with us.

Mr. GROSS. That is not what the provision of the bill says. It says that before undertaking any study, I repeat, any study, of this potential scenic river, the Secretary of the Interior must get the permission of Mexico in order to do it. Now why should we genuflect to Mexico?

Mr. ASPINALL. Simply for the reason that a river is not protected as a scienic river unless the whole river is included. It was thought that rather than waste any money, in order to have the kind of river we wanted, we would enter into an agreement with the country having jurisdiction of the other half of the river. That is the only reason why this provision was put in here.

Mr. GROSS. If I might ask the gentleman a further question—who has title to the land that will be acquired on either side of a scenic stream?

Mr. ASPINALL. It would belong to the Federal Government.

Mr. GROSS. There is no sharing of title with the States—the States will have no control?

Mr. ASPINALL. Not unless the States come in with their own approval or their own proposal.

Mr. GROSS. And this is a quarter of a mile on either side of the scenic river?

Mr. ASPINALL. That is all we limit it to. We hope it may be less than a quarter of a mile, but we have permitted an extension to be made to a quarter of a mile in order to protect values and to protect the purity of the stream.

Mr. GROSS. That will take in any improvements on that land that now exists? If so, certain of these improvements could be very costly.

Mr. ASPINALL. We would hope that those who have improvements would be able to enter into an agreement so that they can go ahead and continue to use their own improvement.

AMENDMENT OFFERED BY MR. FUQUA

Mr. FUQUA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. FUQUA: On page 12, line 22, after the word "Act" change period to semicolon; and add the following: *"Provided, however,* That with respect to the Suwannee River, such study shall be completed and reports made thereon to the President and the Congress, as provided by in section 4 of the Act, within two years from the date of this Act."

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman, the distinguished chairman of the committee.

Mr. ASPINALL. Mr. Chairman, I shall be glad to accept this amendment. As I understand it, the rivers involved are in the congressional districts of the two Members who are seeking this amendment and it is perfectly all right with me.

Mr. FUQUA. Mr. Chairman. The scenic rivers bill now pending before the Congress contains provisions for the Suwannee River to be included as a river to be studied for possible inclusion in the system.

I offer an amendment to limit the time when the completed study relative to this historic stream will be forthcoming to 2 years from the enactment of this legislation. I do so in an attempt to be fair to those who support this legislation and to those who are in opposition.

Several years have passed since this legislation was first introduced in the Congress and to date we have not been successful in securing specific plans as to the fate of the Suwannee should it be included.

This doubt has caused serious problems for property owners along the river and for the county governments bordering the stream. It is obvious that a stream which has its headwaters in south Georgia, thence meandering through north Florida to the gulf, has tremendous economic impact.

Many people who would like to build homes or sell their property now find that they cannot plan for the future due to the uncertainty of this legislation.

I have contended from the outset that our people are entitled to know just what property would be necessary to develop this national park or scenic river. As the measure is now written, we cannot tell what areas would be included and how seriously the communities and institutions along its banks would be treated.

It is my feeling that unless some reasonable time limit is adopted, this study problem might be with us year after year and all this time the development of this part of my district severely hampered.

A sense of fairplay would dictate that 2 years is more than a reasonable period of time for this study to be completed and for Congress then to take such action as it deems right and proper.

We are aware that a bill would have to be presented to include the Suwannee in this system after the study had been concluded.

I seek to prevent undue delay. After the final study has been presented, our people will have an opportunity to voice their opinions and perhaps there will be compromises which will make the measure acceptable to those most affected. Certainly this is the fondest wish of the National Park Service and to many of the strongest advocates of this legislation.

The Suwannee is somewhat unique in its makeup, as compared to some of the rivers in the bill, as it is almost completely privately owned—I would say well over 99 percent.

These people who own property along the river have already suffered certain problems due to the uncertainty of this legislation. I would not like to see this legislation adopted without some specific time limit as to when we will see the study called for on the Suwannee River completed.

In the sense of fairplay, I urge the House to adopt this amendment which is fair and equitable to all. We ask only that the study be completed in what I would judge to be more than ample time—2 years from the enactment of this legislation.

Mr. CULVER. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from Iowa.

(Mr. CULVER asked and was given permission to revise and extend his remarks.)

Mr. CULVER. Mr. Chairman, I want to join with my distinguished colleague from Florida in urging the adoption of this amendment, which will expedite consideration of the upper Iowa and Suwannee Rivers for inclusion in the national scenic rivers system.

Under the legislation as reported from the committee, 5 years are allowed to complete study on the 28 rivers cited for possible inclusion in the system.

But in the case of the upper Iowa and the Suwannee, the evidence is already clear as to their qualifications for the system. It is for that reason that we are proposing this amendment which will require that the reports for including the river be submitted within the next 2 years, instead of 5, so that we can insure the preservation of these unique scenic rivers.

I urge the adoption of this amendment and the passage of this legislation.

The CHAIRMAN. The qeustion is on the amendment offered by the gentleman from Florida [Mr. FUQUA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. STRATTON: On page 12, line 5, strike out lines 5 through 9 and renumber the succeeding paragraphs accordingly.

(Mr. STRATTON asked and was given permission to revise and extend his remarks.)

Mr. STRATTON. Mr. Chairman, I rise in support of my amendment. Very briefly this amendment would eliminate

the Susquehanna River from the list of 28 rivers included in the bill for study for possible later inclusion in the national scenic rivers system.

Actually, in offering this amendment I do so on behalf of those Members of the House from both New York and Pennsylvania who expressed some reservations with the scenic rivers bill when it was originally before this House last July under suspension of the rules. To some extent the amendment, though it is relatively simple in form, represents a compromise of viewpoints as between those several Members of our two States who are most directly affected by the legislation.

For my own part, for example, let me make it clear that I am in no way opposed to the scenic rivers concept. On the contrary I favor it, and favored it last July. My own concern, as I made clear to the House last July, was simply with the inclusion of the Susquehanna River, which originates in my district at Cooperstown, N.Y., as a "study" river under the rather stringent "freeze" requirements spelled out in subsection (c) of section 5 of this bill.

I would not object to the inclusion of the Susquehanna in a list of rivers to be studied for possible later inclusion in the national scenic rivers system. What I do object to, and what I know the people of my district object to, is the requirement that any river included in the bill for study purposes must be put into a kind of deep-freeze category for a period of from 5 up to 8 years as far as any kind of Federal assistance or aid from any agency, for almost any purpose whatsoever. If I pointed out to the House at the time, the strict application of this freeze provision could very well jeopardize the future of Goodyear Lake on the Susquehanna River, just about 15 miles below its source, Goodyear Lake, which is the third largest lake in Otsego County, was created more than 60 years ago when the New York Electric & Gas Co. erected a dam across the Susquehanna at Milford Center in Otsego County and undertook the generation of hydroelectric power. Recently NYSG&E has announced its intention of abandoning this hydroelectric generating plant and also the dam connected with it.

Complete abandonment of the dam at Milford Center might result in the end of Goodyear Lake and this in turn could destroy a beautiful, scenic, recreational area in Otsego County which presently serves over 200 home and cottage owners.

The only hope of saving this lake lies in the town of Milford in Otsego County obtaining certain orders from the Federal Power Commission and possible help from the Department of the Interior, the Department of Agriculture, or the Army Engineers in repairing and maintaining the dam after New York State Gas & Electric have abandoned it.

The provisions of the freeze order in this bill are so sweeping as to suggest that it might be unable, for a full 8-year period, to do anything at all to save Goodyear Lake. This surely would be unacceptable to the people of Otsego County and I do not believe it is what the proponents of this legislation would want to do.

The sweeping freeze provision raises other questions too. What would it do to soil and water conservation projects along the Susquehanna Valley, for example? What would it do to the creation of recreational areas along the Susquehanna at Bainbridge and Afton, for example? What would it do to construction plans for the new Susquehanna Freeway being scheduled to replace Route 7 from Albany to Binghamton? Would it, for example, prevent any river channel adjustments to facilitate bridge building along the route of the freeway? What would it do to possible cleaning of debris from the river around Oneonta, as was done a few years ago, to prevent devastating flooding in Oneonta's sixth ward?

For all these reasons I have been most apprehensive of the freeze provisions in this bill. Yet members of the Interior Committee would be reluctant to change these provisions, as I understand it.

Therefore in an effort to expedite passage of the basic legislation it seems best to delete the north branch of the Susquehanna River. The gentleman from New York [Mr. ROBISON] has reservations about the impact of a freeze in the Binghamton area. The gentleman from Pennsylvania [Mr. MCDADE] has reservations about the impact of this freeze order in the area north of Pittston. All of these reservations would affect the north branch of the Susquehanna.

In addition, I understand that the gentleman from Pennsylvania [Mr. JOHNSON] has strong reasons for wanting the west branch of the Susquehanna excluded from the bill. So, in an effort to simplify procedures, this amendment would strike out all the Susquehanna as presently covered in the bill, representing an effort to accommodate the views of all the Members from New York and Pennsylvania concerned.

With adoption of this amendment I hope the bill itself will pass, and as for myself I would welcome any study that might be made in the future as to possible future inclusion of this great river in the national scenic rivers system, just so long as that study does not interfere with continuing efforts to utilize the river as fully as possibly for the benefit and refreshment and recreation of the people who live along its shores while those studies are underway.

I therefore hope that my amendment will be adopted, and that the basic legislation can be quickly passed as another forward step in the field of conservation by this Congress.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am happy to yield to the distinguished chairman of the committee.

Mr. ASPINALL. I had intended to offer a substitute for the gentleman's amendment because the gentleman from Pennsylvania [Mr. SAYLOR] was very much interested in at least the west branch of the Susquehanna River. But I have been advised that the west branch of the Susquehanna River is in the district of our colleague, the gentleman from Pennsylvania [Mr. SCHNEEBELI], and that he has not made his position known in this respect. Am I correct?

Mr. STRATTON. I believe the west branch of the Susquehanna River, at least the area affected by the legislation on page 12, is in the district of the gentleman from Pennsylvania [Mr. JOHNSON], who, I understand, is in favor of this amendment excluding that section.

Mr. ASPINALL. It is the understanding of the chairman that all the west branch is in Mr. JOHNSON's district.

Mr. STRATTON. It is my understanding that all the west branch which is actually included in the legislation; namely, the portion from Clearfield to Lock Haven, is in the district of the gentleman from Pennsylvania [Mr. JOHNSON]. He is here, and perhaps he can testify to that himself.

Mr. ASPINALL. With that explanation, I am satisfied.

Mr. STRATTON. So the chairman accepts the amendment?

Mr. ASPINALL. I hate to accept an amendment. I would rather have the question put to the House. I will not oppose it.

Mr. STRATTON. I appreciate the gentleman's position.

(Mr. ROBISON asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. ROBISON. Mr. Chairman, I rise in support of the amendment just offered by my colleague from New York [Mr. STRATTON], even though it is a bit too broad actually for the purposes of my own concern. Still, as Mr. STRATTON has just explained, it is probably cleaner for purposes of expediting action on this bill if, insofar as the Susquehanna River is included for study purposes, all references thereto be deleted for the time being.

I would like to stress the temporary nature of this step—at least as I see it—for there are obviously certain scenic values along certain segments of the Susquehanna River that fit clearly into the purposes of this bill, especially some segments of the west branch of the river in Pennsylvania, which could, of course, be taken care of at a later time if not at the time of conference on this bill.

In this connection, it is worthy of note that the companion bill as produced and passed by the Senate last year included for study purposes only a part of the Susquehanna's west branch, in Pennsylvania, and made no attempt to include any part of the so-called north—or main—branch of the river which finds its source at or near Cooperstown, N.Y., and then winds and curves its sluggish path perhaps some 200 miles, or near that as the river flows, down through New York and into Pennsylvania, then back into New York again before dipping south into Pennsylvania and on to a point near, I believe, Sunbury, Pa., where it is joined by the west branch. The more ambitious House bill, however—H.R. 18260—as now before us, seeks to also include for study purposes a long segment of that north branch, reaching from Cooperstown, N.Y., all the way down to Pittston, Pa.

It is this change from the Senate bill, plus the "freeze" on all water resource projects insofar as Federal aid is concerned on that part of our river during the rather long study period that gives me pause. First, I have not yet received any communication from the State of New York, or the appropriate officials of our State, indicating their position on this legislation, and I am quite sure also that few, if any, of the municipalities—or their citizens—along that portion of the north branch of the Susquehanna that flows through my congressional district have been made aware of the possible effect of this legislation upon them, and I would like the opportunity to discuss this with them before committing ourselves to a course that might not be in accordance with their wishes.

Of course, as someone said here earlier, the next Congress can always undo what this Congress does, but that is easier said than done and the doing of it always involves delay, during the course of which the "freeze" provisions of this bill—to which I have already made reference—might have had an adverse effect insofar as the meeting of the true needs of the people in the Susquehanna River Basin, with such Federal assistance as is available, would be concerned.

This is of particular importance because, as my friend from Pennsylvania [Mr. FLOOD] has already noted, the restudy of the Susquehanna—of which I was the original sponsor for the north branch in New York, with Mr. FLOOD later picking it up and broadening its scope so as to encompass the whole river basin in New York, Pennsylvania, and Maryland—is near completion, with the preliminary report thereon due sometime this fall. It is worthy of note again that this is a comprehensive study, or restudy, we are talking about, leading toward the development of a multipurpose plan for the best and widest possible use of our river, in which work, though the Corps of Engineers is in charge, all other Federal agencies with any interest—including the Department of the Interior—along with all appropriate State and local or citizen-type agencies or associations, are participating.

I have, then, more than a passing interest in the result of this restudy project, and I think it promises to be an interesting and exciting report we can look forward to receiving within the next few months. I understand from the corps that it is putting just as much emphasis in preparing its preliminary report on the environmental factors involved in our river's development, use, and potential, as it is on the more prosaic questions of flood protection and control, water pollution, and the like—and this, of course, is as it should be.

Now, Mr. Chairman, I do not know, of course, what recommendations may be embodied in the Corps of Engineers' report. But, assuming they have some immediate acceptance, I am not yet convinced—despite the careful and patient answers my friend from Colorado [Mr. ASPINALL], has given to the questions put to him about the effect of this "freeze"—that passage of this bill, as it now reads, would have no adverse impact on our getting those recommendations under motion. Nor—though I listened carefully to the colloquy he had with the gentleman from Oklahoma [Mr. EDMONDSON]—am I yet convinced that this bill, as it now reads, would be without adverse impact on our ability to move forward with the several pending and prospective small watershed projects that are underway along my portion of the Susquehanna.

I shall, therefore, vote for the Stratton amendment—since it is the best vehicle I have for protecting the interest of the people I represent at the moment—and then, if that carries, I will be pleased to vote for this bill for, as I have always said, I favor its original and basic purposes and would like to see it become law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. STRATTON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HARSHA

Mr. HARSHA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARSHA: On page 10, strike out line 14 and insert in lieu thereof the following:

"(12) Little Miami, Ohio: That segment of the main stem of the river exclusive of its tributaries from a point at the Warren-Clermont County line at Loveland, Ohio, upstream to the sources of the Little Miami including the North Fork."

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I am happy to yield to the gentleman from Colorado.

Mr. ASPINALL. I understand that the amendment is in accordance with the wishes of our colleague, the gentleman from Ohio [Mr. BROWN]. Is that correct?

Mr. HARSHA. That is correct.

Mr. ASPINALL. I will accept the amendment.

(Mr. HARSHA asked and was given permission to revise and extend his remarks.)

Mr. HARSHA. Mr. Chairman, as I said, and let me repeat, I have every confidence in your interpretation of the language of this legislation. However, unfortunately it will in all probability be interpreted by someone else downtown and as you know two lawyers reading the same language will invariably come up with different constructions of what that language means. It is for that reason and because of my own interpretation of the language that I am vitally concerned with that portion of the bill dealing with the Little Miami River. It has been my feeling that this language did not restrict the provisions of this bill to only the main stem of the river and because of the previous colloquy that I had with members of the committee on this same legislation in July of this year where the opinion was expressed that if a particular project was authorized and under construction it would therefore be exempt from the limitations called for by this legislation. But here again we can very easily get into an argument as to the interpretation of the word "construction." Now you have advised me that if a project is authorized and under any stage of development regardless of what that may be it will be exempt. So you can readily see the need for clarification and clarifying language so that there will be absolutely no misunderstanding or misinterpretation as to what we mean insofar as this legislation applies to the Little Miami River.

May I say that Congressman BROWN of Ohio and I both are vitally interested in conservation and preservation of our natural resources. We are equally as interested in the scenic rivers legislation and for that reason and those that I have pointed out have worked together for several days this past week drafting an amendment which we feel will fully preserve the scenic value of the Little Miami River and will carry out the intended purposes of this legislation.

I might add that both Mr. BROWN and I have discussed this amendment with both Congressmen TAFT and LUKENS who are also affected thereby and with the Department of Natural Resources of the State of Ohio and they are all in agreement with our actions here today. Therefore, Mr. Chairman, at the appropriate time I will offer an amendment which should preserve the main stem of the Little Miami River from a point at Loveland, Ohio, on the Warren-Clearmont County lines north to the source of this river, including the north fork.

Mr. Chairman, for years I have labored diligently to get the flood control project, known as the East Fork Reservoir, in my district, properly funded and under construction. This project was authorized by the Flood Control Act of 1938 and until I came to Congress approximately 8 years ago lay dormant. Since my tenure in Congress I have endeavored to have this project funded and constructed along with the project to the north known as Ceaser Creek Reservoir. Both of these projects are vitally needed for proper flood control not only in the Sixth Congressional District but in areas downstream and on the Ohio River.

In addition, they provide adequate water supply, water quality control, and recreational benefits for our good citizens in southwest Ohio. The Appropriations Committee has been very generous in their support of my requests for funds of these projects and at the present time the Corps of Engineers is in the process of purchasing the needed land so that construction may begin. These are multimillion-dollar projects and will add much not only to the health, welfare, and recreational needs of our constituents, but will be a great economic boom to the area. Therefore, I do not want to see these projects jeopardized in any way. And, it is because of my concern that these projects be completed at the earliest possible moment, in line with our budget requirements and the fiscal situation of this country, so that the citizens of Ohio in the Sixth District may reap the rewards of these projects. Therefore, I shall offer the necessary amendment so that it can be made abundantly clear not only by the legislative history but, in fact, by the wording and language of

the legislation itself that these projects are in no way to be impeded in their construction and completion. In addition, Mr. Chairman, the Corps of Engineers and the State of Ohio are presently conducting surveys and studies to determine what, if any, additional flood control projects or measures may be needed in the lower regions of the Little Miami River and it may be that these surveys demonstrate a further need for additional flood control protection levees or projects and, in that event, I do not want to see them jeopardized.

I am hopeful that the Committee will accept my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. HARSHA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MARTIN

Mr. MARTIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARTIN: On page 10, delete all of lines 19 through 22 and renumber the following paragraphs accordingly.

The CHAIRMAN. The gentleman from Nebraska is recognized.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Colorado.

Mr. ASPINALL. I understand that the river referred to in the gentleman's amendment is in my colleague's district and it is his wish that it not be included in the study provisions at this time. Is that correct?

Mr. MARTIN. That is correct.

Mr. ASPINALL. Mr. Chairman, I agree to the amendment.

Mr. DENNEY. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. I yield to my colleague.

Mr. DENNEY. I join with my colleague, the gentleman from Nebraska [Mr. MARTIN], in this amendment. I appreciate the chairman of the full committee accepting the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. MARTIN].

The amendment was agreed to.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

I will take only a minute. If it is so easy to get rivers taken out of this proposition, how about putting some in here this afternoon? Would amendments to this bill be acceptable now to put some rivers in? I am amazed by the ease with which this bill is being amended.

Mr. ASPINALL. May I reply to my colleague in this respect. The committee considered this legislation. We understood everybody had notice of what we were doing, and only those rivers are in the bill that we thought were requested at that time. It has since proved we were wrong, and some of the rivers we included were later on found not to be desirable for the study section.

I would suggest to my friend, the gentleman from Iowa, that at any time in the future, if he desires a river to be included—I would not like to place a river for study into this bill at this time unless I have a little bit more information of what was involved, more than just the naming of the river. We do know and we have a record on these rivers that are in the study section. But, on the other hand, far be it from me to deny to my friend from Iowa the privilege that is his on the floor to propose an amendment, and if he will do so, I will see if we can agree to it.

Mr. GROSS. What is the procedure for getting rivers in this latest formula for the benefit of the Federal Treasury?

Mr. ASPINALL. I doubt very much if the last part of that statement is applicable here, but maybe the mere fact that $50,000 or a little lesser sum might be spent in a district might be of some benefit to a district.

But these rivers that are in this bill were recommended to the committee. We have taken out some of them because we did not wish to impose upon the Members.

Mr. GROSS. Who recommended them?

Mr. ASPINALL. The Members themselves as well as the Department of the Interior, and the Department of the Interior has made certain studies. It is just that simple.

Mr. GROSS. So it is just as simple as coming before the committee and saying you want to get a river in this program?

Mr. ASPINALL. Oh, no. It is not that simple, because if my colleague will look at the Department of the Interior report, we left out several rivers that were recommended by the Department. The Department of the Interior bill and the first Saylor bill had numerous more rivers than we put in. But we would like to have a look at what is proposed, and that is the only reason I suggest perhaps it would be better to wait until next year.

Mr. GROSS. Has any damage been done to this legislation by the several withdrawals made on the floor of the House?

Mr. ASPINALL. There has been no damage done to the legislation or what it was supposed to take care of in the future as far as the natural values of the United States are concerned.

Mr. GROSS. Have we reduced the price of the bill?

Mr. ASPINALL. We have reduced it, I would expect, if I remember correctly, by six studies, which would be about $300,000.

Mr. GROSS. These were all study streams or whatever they are called?

Mr. ASPINALL. The gentleman is correct.

Mr. GROSS. Mr. Chairman, I am fearful of the ultimate costs of program which provides that the Federal Government can embark upon the purchase of a quarter of a mile of land on each side of a stream. This can result in the Federal acquisition of thousands upon thousands of acres of land and the improvements thereon. It can result in almost wholesale condemnations of private property.

I certainly want to preserve the truly scenic streams in this country, but how far will the freewheeling spenders stretch this designation to include waterways that are not scenic?

It seems to me, Mr. Chairman, that the several States ought to have a much greater responsibility in this program for the preservation of truly scenic rivers and streams will be an asset to the States and it seems strange to me, Mr. Chairman, that so many Members are joining here this afternoon in removing projects from the bill. Are they fearful of Federal control? What prompts their opposition?

For these and other reasons I have grave doubts concerning this legislation and I am constrained to vote against it.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. IRVIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 18230) to provide for a national scenic rivers system, and for other purposes, pursuant to House Resolution 1300, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker——

The SPEAKER. Does the gentleman from Iowa wish to offer a motion to recommit?

Mr. GROSS. I simply arose to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Would a vote be in order on each of the amendments?

The SPEAKER. It would have been, but no Member demanded a separate vote.

The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CULVER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 265, nays 7, answered "present" 1, not voting 158, as follows:

[Roll No. 321]

YEAS—265

Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Bates
Belcher
Bell
Bennett
Berry
Betts
Biester
Bingham
Blanton
Blatnik
Bolling
Bolton
Bow
Brasco
Brinkley
Brock
Brooks
Brown, Mich.
Broyhill, Va.
Buchanan
Burke, Mass.
Burton, Calif.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carter
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Corbett
Corman
Culver
Cunningham
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Devine
Dingell
Dole
Donohue
Dow
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Eshleman
Evans, Colo.
Everett
Fascell
Feighan
Findley
Fisher
Flood
Foley
Ford, Gerald R.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gathings
Gettys
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Grover
Gubser
Haley
Hall
Halleck
Halpern
Hamilton
Hammer-schmidt
Hanley
Harsha
Harvey
Hathaway
Hechler, W. Va.
Helstoski
Hicks
Hosmer
Hull
Hunt
Hutchinson
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Keith
King, N.Y.
Kleppe
Kupferman
Kyl
Langen
Latta
Lipscomb
Long, Md.
McCarthy
McClure
McDonald, Mich.
McEwen
McFall
MacGregor
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Matsunaga
May
Mayne
Meeds
Meskill
Miller, Ohio
Mills
Minish
Minshall
Mize
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
O'Neill, Mass.
Ottinger
Patten
Pelly
Perkins
Pettis
Philbin
Pike
Poff
Price, Ill.
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers
Roberts
Robison
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roth
Roush
Rumsfeld
Ryan
St. Onge
Sandman
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Selden
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, Iowa
Smith, Okla.
Staggers
Stanton
Steed
Steiger, Wis.
Stratton
Stubblefield
Sullivan
Taft
Talcott
Teague, Calif.
Thomson, Wis.
Tiernan
Tunney
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Walker
Wampler
Watkins
Watson
Watts
Whalen
White
Widnall
Wiggins
Williams, Pa.
Wilson, Bob
Wolff
Wylie
Wyman
Yates
Zablocki
Zwach

NAYS—7

Denney
Fountain
Gross
Harrison
Lennon
Satterfield
Scott

ANSWERED "PRESENT"—1

Baring

NOT VOTING—158

Abbitt
Andrews, N. Dak.
Ashley
Ashmore
Barrett
Battin
Bevill
Blackburn
Boggs
Boland
Brademas
Bray
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Burleson
Button
Carey
Casey
Cederberg
Celler
Cohelan
Conable
Conte
Conyers
Cowger
Cramer
Curtis
Daddario
Daniels
Dawson
Dent
Derwinski
Dickinson
Diggs
Dorn
Erlenborn
Esch
Evins, Tenn.
Fallon
Farbstein
Fino
Flynt
Ford, William D.
Galifianakis
Gallagher
Gardner
Garmatz
Giaimo
Griffiths
Gude
Gurney
Hagan
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Hawkins
Hays
Hébert
Heckler, Mass.
Henderson
Herlong
Holifield
Horton
Howard
Hungate
Ichord
Jones, Mo.
Jones, N.C.
Karsten
Kelly
King, Calif.
Kirwan
Kluczynski
Kornegay
Kuykendall
Kyros
Laird
Landrum
Leggett
Lloyd
Long, La.
Lukens
McClory
McCloskey
McCulloch
McDade
McMillan
Macdonald, Mass.
Machen
Madden
Mathias, Md.
Michel
Miller, Calif.
Mink
Monagan
Moore
Myers
Nelsen
Olsen
O'Neal, Ga.
Passman
Patman
Pepper
Pickle
Pirnie
Poage
Podell
Pollock
Quillen
Rarick
Resnick
Riegle
Rodino
Rogers, Colo.
Rosenthal
Rostenkowski
Roudebush
Roybal
Ruppe
St Germain
Saylor
Schweiker
Shipley
Sisk
Slack
Smith, N.Y.
Snyder
Springer
Stafford
Steiger, Ariz.
Stephens
Stuckey
Taylor
Teague, Tex.
Tenzer
Thompson, Ga.
Thompson, N.J.
Tuck
Udall
Utt
Vander Jagt
Waldie
Whalley
Whitener
Whitten
Willis
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Young
Zion

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hansen of Idaho for, with Mr. Steiger of Arizona against.

Mr. Laird for, with Mr. Battin against.

Until further notice:

Mr. Passman with Mr. Utt.
Mr. Hébert with Mr. Quillen.
Mr. Holifield with Mr. Broomfield.
Mr. Kirwan with Mr. Mathias of Maryland.
Mr. Kluczynski with Mr. Michel.
Mr. Brademas with Mr. Cederberg.
Mr. Miller of California with Mr. Springer.
Mr. Daddario with Mr. Wydler.
Mr. Garmatz with Mr. Erlenborn.
Mr. Giaimo with Mr. Saylor.
Mr. Rodino with Mr. Pirnie.
Mr. O'Neal of Georgia with Mr. Whalley.
Mr. Evins of Tennessee with Mr. Roudebush.
Mr. Daniels with Mr. McCulloch.
Mr. Celler with Mr. Horton.
Mr. Ashmore with Mr. Broyhill of North Carolina.
Mr. Tenzer with Mrs. Heckler of Massachusetts.
Mr. Teague of Texas with Mr. Pollock.
Mr. Pickle with Mr. Nelsen.
Mr. Fallon with Mr. Conte.
Mr. Patman with Mr. Burke of Florida.
Mr. Rogers of Colorado with Mr. Bray.
Mrs. Griffiths with Mr. Gardner.
Mr. Howard with Mr. Brown of Ohio.
Mr. Shipley with Mr. McClory.
Mr. Rostenkowski with Mr. Thompson of Georgia.
Mr. St Germain with Mr. Andrews of North Dakota.
Mr. Monagan with Mr. McDade.
Mr. Dent with Mr. Blackburn.
Mr. Burleson with Mr. Derwinski.
Mr. Boggs with Mr. Conable.
Mr. Barrett with Mr. Smith of New York.
Mr. Carey with Mr. Dickinson.
Mr. Madden with Mr. Esch.
Mr. Dorn with Mr. Cramer.
Mr. Casey with Mr. Gurney.
Mrs. Kelly with Mr. Riegle.
Mr. King of California with Mr. Kuykendall.
Mr. Waldie with Mr. Lloyd.
Mr. Bevill with Mr. Ruppe.
Mr. Leggett with Mr. Brotzman.
Mr. Flynt with Mr. Scott.
Mr. Galifianakis with Mr. Winn.
Mr. Hagan with Mr. Cowger.
Mr. Hays with Mr. Gude.
Mr. Henderson with Mr. Zion.
Mr. Rosenthal with Mr. Schweiker.
Mr. Slack with Mr. Snyder.
Mr. Taylor with Mr. Wyatt.
Mr. Stuckey with Mr. Vander Jagt.
Mr. Wright with Mr. Myers.
Mr. Young with Mr. Lukens.
Mr. Charles H. Wilson with Mr. McCloskey.
Mr. Thompson of New Jersey with Mr. Button.
Mr. Tuck with Mr. Moore.
Mr. Abbitt with Mr. Curtis.
Mr. Boland with Mr. Stafford.
Mr. Cohelan with Mr. Diggs.
Mr. Farbstein with Mr. Fino.
Mr. Gallagher with Mr. Conyers.
Mrs. Hansen of Washington with Mr. Dawson.
Mr. Sisk with Mr. William D. Ford.
Mr. Olsen with Mr. Hardy.
Mr. Macdonald of Massachusetts with Mr. Hawkins.
Mr. Stephens with Mr. Resnick.
Mr. Roybal with Mr. Podell.
Mr. Pepper with Mr. Hanna.
Mr. Whitten with Mr. Ichord.
Mr. Jones of North Carolina with Mr. Hungate.
Mr. Udall with Mr. Ashley.
Mr. Whitener with Mr. Karsten.
Mr. Kyros with Mrs. Mink.
Mr. McMillan with Mr. Landrum.
Mr. Long of Louisiana with Mr. Machen.
Mr. Rarick with Mr. Kornegay.
Mr. Willis with Mr. Herlong.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1300, the Committee on Interior and Insular Affairs is discharged from the further consideration of the bill S. 119.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. ASPINALL of Colorado:

Strike out all after the enacting clause of S. 119 and insert in lieu thereof the provisions of H.R. 18260 as passed, as follows:

"That (a) this Act may be cited as the 'National Scenic Rivers Act of 1968'.

"(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish, and wildlife, historic, cultural, or other simi-

lar values, shall be preserved in freeflowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

"(c) The purpose of this Act is to implement this policy by instituting a national scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

"SEC. 2. (a) The national scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as scenic rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as scenic rivers by an agency or political subdivision of the State or States concerned without expense to the United States, that are found by the Secretary of the Interior, upon application of the Governor of the State or the governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine, and that segment of the Wolf River, Wisconsin, which flows through Langlade County.

"(b) A scenic river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every scenic river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national scenic rivers system, and if included, shall be classified, designated, and administered as one of the following:

"(1) Class I scenic river areas—Those rivers or sections of rivers that are free of impoundments and inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

"(2) Class II scenic river areas—Those rivers or sections of rivers free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

"(3) Class III scenic river areas—Those rivers or sections of rivers which are readily accessible by road or railroad, which may have some development along their shorelines, and which may have undergone some impoundment or diversion in the past.

"SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national scenic rivers system:

"(1) CLEARWATER, MIDDLE FORK, IDAHO.—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

"(2) RIO GRANDE, NEW MEXICO.—The segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

"(3) ROGUE, OREGON.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the Interior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

"(4) SAINT CROIX, MINNESOTA AND WISCONSIN.—The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: *Provided*, That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this Act may be expended for the acquisition or development of lands in connection with, or for administration under this Act of, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, including the company's right, title, and interest to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river, in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the compay are administered under this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (c) of section 10 of this Act.

"(5) SALMON, MIDDLE FORK, IDAHO.—From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

"(6) WOLF, WISCONSIN.—From the Langlade-Menominee County line downstream to Keshena Falls; to be administered by the Secretary of the Interior.

"(b) The agency charged with the administration of each component of the national scenic river system designated by subsection (a) of this section shall, within one year from the date of this Act, establish detailed boundaries therefor (which boundaries shall include an average of not more than three hundred and twenty acres per mile on both sides of the river); determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

"SEC. 4. (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and from time to time submit to the President and the Congress proposals for the addition to the national scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system; which, in his or their judgment, fall within one or more of the classes set out in section 2, subsection (b), of this Act; and which are proposed to be administered, wholly or partially, by an agency of the United States. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.).

"Each proposal shall be accompanied by a report, including maps and illustrations, showing among other things the area included within the proposal; the characteristics which make the area a worthy addition to the system; the current status of land-ownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area be administered; the extent to which it is proposed that administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area as a component of the system. Each such report shall be printed as a Senate or House document.

"(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress.

"(c) Before approving or disapproving for inclusion in the national scenic rivers system any river designated as a scenic river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

"SEC. 5. (a) The following rivers are hereby designated for potential addition to the national scenic rivers system:

"(1) Bruneau, Idaho: The entire main stem.

"(2) Buffalo, Tennessee: The entire river.

"(3) Chattanooga, North Carolina, South Carolina, and Georgia: The entire river.

"(4) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.

"(5) Delaware, Pennsylvanvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.

"(6) Eleven Point, Missouri: The segment in the State of Missouri.

"(7) Feather, California: The entire Middle Fork.

"(8) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir

"(9) Gasconade, Missouri: The entire river.

"(10) Illinois, Oregon: The entire river.

"(11) Little Miami, Ohio: That segment of the main stem of the river exclusive of its tributaries from a point at the Warren-Clermont County line at Loveland, Ohio, upstream to the sources of Little Miami including North Fork.

"(12) Missouri, Montana: The segment between Fort Benton and Ryan Island.

"(13) Moyie, Idaho: The segment from the Canadian border to its confluence with the Kooteani River.

"(14) Obed, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.

"(15) Penobscot, Maine: Its east and west branches.

"(16) Pcre Marquette, Michigan: The entire river.

"(17) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville.

"(18) Priest, Idaho: The entire main stem.

"(19) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the east boundary of Terrell County on the United States side of the river: *Provided,* That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.

"(20) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.

"(21) Saint Joe, Idaho: The entire main stem.

"(22) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.

"Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek; the Cascade River between its mouth and the junction of ts North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek; the Sauk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

"Suwannee, Georgia and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.

"Upper Iowa, Iowa: The entire river.

"(b) The Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture shall proceed as expeditiously as possible to study each of the rivers named in subsection (a) of this section in order to determine whether it should be included in the national scenic rivers system. Such studies shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within fifteen years from the date of this Act: *Provided, however,* That with respect to the Suwannee River, Georgia and Florida, and Upper Iowa, Iowa, such study shall be completed and reports made thereon to the President and the Congress, as provided by in section 4 of the Act, within two years from the date of this of this Act. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments which, if undertaken, would render them unsuitable for inclusion in the national scenic rivers system.

"(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected States and its political subdivisions as possible and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national scenic rivers system. No study otherwise required by this section shall be undertaken or pursued in the case of any stream or section of a stream which the Governor of the State in which it is located certifies the State or one of its agencies or political subdivisions is prepared to study for the purpose of determining whether it should be proposed for inclusion in the national scenic rivers system so long as the State or one of its agencies or political subdivisions does in fact pursue said study with diligence. Nothing contained in the preceding sentence, however, shall be taken to forbid the Secretary of the Interior or the Secretary of Agriculture to cooperate with the State, the agency, or the political subdivision in undertaking and carrying out the study.

"(d) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potcntial national scenic river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional scenic river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

"SEC. 6. (a) The Secretary of the Interior is authorized to acquire lands and interests in land within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by act of Congress. Lands owned by an Indian tribe, by a State, or by a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe, State, or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

"(b) The Secretary of the Interior is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national scenic rivers system designed in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State or States in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

"(c) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the Secretary of the Interior jurisdiction over such lands for administration in accordance with the provisions of this Act.

"(d) The Secretary of the Interior is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national scenic rivers system.

"(e) Subsections (a), (b), (c), and (d) of this section shall apply with equal force to the Secretary of Agriculture in the case of any component of the national scenic rivers system which is within his administrative jurisdiction. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

"SEC. 7 (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a scenic river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the scenic river area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

"(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval—

"(i) during the five-year period following enactment of this Act unless, prior to the expiration of said period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, conclude that such river should not be included in the national scenic rivers system and publish notice to that effect in the Federal Register, and

"(ii) during such additional period thereafter as, in the case of any river which is recommended to the President and the Congress for inclusion in the national scenic rivers system, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national scenic

rivers system under section 2(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential scenic river area or on any stream tributary thereto which will not invade the area or diminish the scenic recreational, and fish and wildlife values present in the potential scenic river area on the date of approval of this Act.

No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

"(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

"(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-5 et seq.).

"SEC. 8. (a) All public lands within the boundaries of any component of the national scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

"(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act.

"SEC. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national scenic rivers system except that—

"(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

"(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

"(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a class I scenic river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriations under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

"(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance of leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included within the system.

"SEC. 10. (a) Each component of the national scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

"(b) Any portion of a component of the national scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

"(c) Any component of the national scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

"(d) The Secretary of Agriculture, in his administration of any component of the national scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

"(e) The Federal agency charged with the administration of any component of the national scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

"SEC. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local scenic river areas. He shall also in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such scenic river areas.

"(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them, assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such scenic river areas.

"SEC. 12. (a) The Secretary of the Interior, the Secretary of Agriculture, and heads of other Federal agencies shall review administrative and management policies, regulations, contracts, and plans affecting lands under their respective jurisdictions which include, border upon, or are adjacent to the rivers listed in subsection (a) of section 5 of this Act in order to determine what actions should be taken to protect such rivers during the period they are being considered for potential addition to the national scenic rivers system. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

"(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

"(c) The head of any agency administering a component of the national scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

"SEC. 13. (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety and shall issue appropriate regulations on public safety after consultation with the wildlife agency of the State or States affected.

"(b) Nothing in this Act shall constitute an express or implied claim or denial on the part of the United States with respect to the applicability to it of, or to its exemption from, State water laws, and nothing in this Act shall be construed to alter, amend, or repeal any interstate water compact which has heretofore been entered into by States which contain any portion of the national scenic rivers system and to which the consent or approval of the Congress has been given.

"(c) A State shall have such rights as may be necessary to assure adequate access by such State to the beds of navigable rivers which are vested in the State, in case such beds are located in a national scenic river: *Provided*, That no river, the bed of which is vested in a State, shall be included in the national scenic rivers system pursuant to section 2, subsection (a)(ii), of this Act without certification by the State that it will not permit mining or similar disruption of its bed.

"(d) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided*, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act and shall not be based upon the Department of the Interior or Department of Agriculture regulations relating to granting rights-of-way for power transmission lines issued March 23, 1963 (28 F.R. 2903, 2905; 43 C.F.R. 2234.4, 36 C.F.R. 251.52).

"SEC. 14. The claim and allowance of the value of a conservation easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

"SEC. 15. As used in this Act, the term—

"(a) 'River' means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, small lakes, and, as provided in this Act, manmade waterways.

"(b) 'Free-flowing', as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national scenic rivers system shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national scenic rivers system.

"(c) 'Conservation easement' means a perpetual interest in land, however created or expressed, which interest (i) is held by or for the benefit of the United States or the people of the United States, a State or the people of a State, or another public body or the people of such body, (ii) is specifically enforcible by its holder or beneficiaries, and (iii) limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of the land and activities conducted thereon, the disturbance or modification of the surface or subsurface thereof, the structures placed or maintained thereon, or the growth, planting, removal, destruction, or damaging of vegetation thereon, or in other respects in connection therewith, all as more specifically spelled out in the document by which such interest in land is created, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it and of flora, fauna, and archeological or historic remains on it or them and the preservation of the values thereof for scientific study and for public enjoyment by present and future generations.

"SEC. 16. There are hereby authorized to be appropriated such sums as may be necessary, but not more than $17,340,000, for the acquisition of lands and interests in land under the provisions of this Act."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 18260) was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the title of the Senate bill be amended to conform to the title of the House-passed bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to proceed for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of this week and the schedule for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Will the gentleman permit me to propound two unanimous-consent requests?

Mr. GERALD R. FORD. I yield to the gentleman for that purpose.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. MACGREGOR. Mr. Speaker, I object.

REQUEST TO PASS OVER OMNIBUS BILL ON TUESDAY NEXT DURING CALL OF PRIVATE CALENDAR

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that during the call of the Private Calendar on Tuesday next, the bill H.R. 16187, the first omnibus bill of 1968, may be passed over without prejudice.

Mr. MESKILL. Mr. Speaker, I object.

LEGISLATIVE PROGRAM

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we have finished the program for this week and will ask to go over upon the announcement of the program for next week. The program for next week is as follows: Monday is Consent Calendar day, and 23 bills are listed for consideration under suspension of the rules. They are as follows:

H.R. 551, to authorize the Biscayne National Monument, Fla.;

H.R. 2567, to promote health and safety in all Federal and federally assisted construction projects;

S. 3133, extension of interest rate controls;

S. 1440, unlawful transporting of forged and fraudulently countersigned traveler's checks;

H.R. 18326, Intergovernmental Cooperation Act of 1968;

S. 3030, reducing the number of fish protein concentrate experimental plants;

H.R. 17787, to authorize the appropriation of funds for Padre Island National Seashore, Tex.;

H.R. 16801, Guam Rehabilitation Act amendments;

H.R. 18763, Handicapped Children's Early Education Assistance Act;

H.R. 15450, to amend the Immigration and Nationality Act;

H.R. 18033, release of condition in conveyance to the State of Ohio;

H.R. 18207, release of condition in conveyance to South Carolina State Commission of Forestry;

H.R. 18100, to empower postal inspectors to serve warrants and subpenas and to make arrests without warrant;

H.R. 12962, to provide for the establishment of a Commission on Negro History and Culture;

H.R. 18808, to extend the Commercial Fisheries Research and Development Act of 1964;

S. 3058, to amend the Water Resources Planning Act;

H.R. 13099, to authorize establishment of the Carl Sandburg Home National Historic Site, N.C.;

H.R. 16771, to designate certain lands in the Great Swamp National Wildlife Refuge, Morris County, N.J., as wilderness;

S. 224, to provide for the rehabilitation of the Eklutna project, Alaska;

H.R. 19130, premium pay for overtime by employees engaged in air traffic control;

H.R. 16175, International Center for the National Capital;

H.R. 8970, to establish the North Cascades National Park and Ross Lake National Recreation Area; and

H.R. 17874, extending the time for filing of applications for selection of certain lands by the State of Alaska.

Mr. GERALD R. FORD. Are any of the measures listed for suspension on the Consent Calendar list?

Mr. ALBERT. There are two or three.

Mr. Speaker, Tuesday is Private Calendar day, and in view of the objection, we cannot be certain at this time that we will get to any other business on that day. If we do, we will follow the call of

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued September 17, 1968
For actions of September 16, 1968
90th-2nd No. 150

CONTENTS

House passed intergovernmental cooperation bill. House passed Flaming Gorge Recreation Area bill. House passed Wash. and Oreg. wilderness bills. Sen. Nelson introduced and discussed school lunch bill.

SENATE

1. REORGANIZATION. Received from the President a proposed bill to further amend Reorganization Plan No. 1 of 1958, as amended, in order to change the name of the Office of Emergency Planning to the Office of Emergency Preparedness and Federal-State Relations; to the Armed Services Committee. p. S10781

2. APPROPRIATIONS. At. Sen. Allott's request, Sen. Cotton was appointed to replace Sen. Smith as conferee on the independent offices appropriation bill. p. S10834

3. WILDLIFE. Received a GAO report on the opportunities for improvement in policies for acquiring migratory waterfowl refuges, Bureau of Sport Fisheries and Wildlife, U. S. Fish and Wildlife Service, Interior Department. p. S10781

4. FOREIGN AID. Received a GAO report on economic assistance provided to Korea by the Agency for International Development. p. S10781

5. HOUSING. Received a GAO report on the need for more realistic minimum wage rate determinations for certain federally financed housing in the Washington metropolitan area. p. S10781

6. STATE RESOLUTIONS. Received several Calif. Legislature resolutions calling for rates on feed grains to be reduced proportionately to lowered dressed meat rates; for legislation to resolve problems relating to the use of waters of certain streams of the nation; and for Federal guidelines relating to pest control in the U.S. pp. S10781-2

7. RECREATION. House and Senate conferees were appointed on S. 119, the scenic rivers bill. pp. S10792-6, H8695

8. WATER RESOURCES. Sen. Bennett inserted a Western Farm Bureau Conference speech which traces the history and purposes of the Western States Water Council. pp. S10798-9

9. EDUCATION. Both Houses received from the President the First Annual Report of the National Advisory Committee on Adult Basic Education (H. Doc. 384). pp. S10775, H8680

HOUSE

10. WILDERNESS; RECREATION. Passed without amendment S. 444, to establish the Flaming Gorge National Recreation Area in Utah and Wyo. H. R. 15245, a similar bill, passed earlier as reported was tabled. This bill will now be sent to the President. pp. H8667-9

Passed as reported H. R. 18333, to authorize the Secretary of the Interior to study the feasibility and desirability of establishing an Upper Mississippi Valley National Recreation Area between Wood River, Ill., and Minneapolis, Minn. p. H8669

Passed without amendment S. 2751, to designate the Mount Jefferson Wilderness, Willamette, Deschutes, and Mount Hood National Forests, Oreg. This bill will now be sent to the President. H. R. 13512, a similar bill, was tabled. pp. H8663-4

Passed with amendment S. 1321, to establish the North Cascades National Park and Ross Lake National Recreation Area, to designate the Pasayten Wilderness and to modify the Glacier Peak Wilderness, Wash. H. R. 8970, passed earlier under suspension of the rules, was tabled. pp. H8765-72

Passed with amendment (to substitute the language of H. R. 16771) S. 3379, to designate certain lands in the Great Swamp National Wildlife Refuge, Morris County, N. J., as wilderness. H. R. 16771, passed earlier by a vote of 269-22 under suspension of the rules, was tabled. pp. H8679-80, H8755-59

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Tuck
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Wiggins
Willis
Wilson, Bob
Wright
Wyatt
Yates

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hebert and Mr. O'Neill of Massachusetts for, with Mr. Fisher against.

Mr. Philbin and Mr. Halpern for, with Mr. Casey against.

Mr. Donohue and Mr. Horton for, with Mr. Satterfield against.

Mr. St. Onge and Mr. Giaimo for, with Mr. Ashbrook against.

Mr. Adams and Mr. Celler for, with Mr. Hanna against.

Mr. Podell and Mr. Thompson of New Jersey for, with Mr. Tuck against.

Mr. Nix and Mr. Eilberg for, with Mr. Skubitz against.

Mr. Boland and Mr. Yates for, with Mr. Lloyd against.

Mr. Madden and Mr. Brown of California for, with Mr. Utt against.

Mr. Roybal and Mr. Sisk for, with Mr. Smith of Oklahoma against.

Mr. Miller of California and Mr. Blatnik for, with Mr. Whitten against.

Mr. Kuykendall and Mrs. Griffiths for, with Mr. Henderson against.

Mrs. Green of Oregon and Mr. Rees for, with Mr. Ashmore against.

Mr. King of California and Mr. Ashley for, with Mr. Stephens against.

Mr. Foley and Mr. Green for, with Mr. Gettys against.

Until further notice:

Mr. Bevill with Mr. Adair.
Mr. Karsten with Mrs. Bolton.
Mr. Watts with Mr. Fino.
Mr. Wright with Mr. Broomfield.
Mr. Rivers with Mr. Gerald R. Ford.
Mr. White with Mr. Bob Wilson.
Mr. Richard with Mr. Springer.
Mr. Hicks with Del. Clawson.
Mr. Jacobs with Mr. Roudebush.
Mr. Barrett with Mr. Morton.
Mr. Steed with Mr. Bush.
Mr. Carey with Mr. Mathias of California.
Mr. de la Garza with Mr. Bow.
Mr. Resnick with Mr. McCulloch.
Mr. Anderson of Tennessee with Mr. Mathias of Maryland.
Mr. Landrum with Mr. Blackburn.
Mr. Long of Louisiana with Mr. Michel.
Mr. Dow with Mr. Nelsen.
Mr. Ichord with Mr. Curtis.
Mr. Dawson with Mr. Minshall.
Mr. Conyers with Mr. Curtis.
Mr. Pickle with Mr. Thompson of Georgia.
Mr. Wyatt with Mr. Bush.
Mrs. May with Mr. Pettis.
Mr. Hansen of Idaho with Mr. Langen.
Mr. Schweiker with Mr. Wiggins.

Mr. PASSMAN and Mr. HAGAN changed their votes from "yea" to "nay."

Mr. POLLOCK, Mr. LATTA, and Mr. DON H. CLAUSEN changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks announced that the Senate disagrees to the amendments of the House to the bill (S. 119) entitled "An act to reserve certain public lands for a National Wild and Scenic Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. CHURCH, Mr. NELSON, Mr. KUCHEL, and Mr. JORDAN of Utah to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON S. 119, NATIONAL SCENIC RIVERS SYSTEM

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 119) to reserve certain public lands for a National Wild and Scenic Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes, with House amendment thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, TAYLOR, JOHNSON of California, CHAMP, KASTENMEIER, BAYH, SCHERER, and KUYKENDALL.

EXTENSION OF INTEREST RATE CONTROLS

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3132) to extend for two years the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations to agency issues, as amended.

The Clerk read as follows:

S. 3132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 89-351, so that, as is amended to read:

"Sec. 7. Effective September 22, 1968

"(1) so much of section 19(j) of the Federal Reserve Act (12 U.S.C. 371b) as precedes the first sentence thereof is amended to read

as it would without the amendment made by section 2(c) of this Act;

"(2) the second and third sentences of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) are amended to read as they would without the amendment made by section 3 of this Act; and

"(3) section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is repealed."

SEC. 2. (a) The first sentence of section 19(j) of the Federal Reserve Act (12 U.S.C. 371b) is amended by changing "limit by regulation" to read "prescribe rules governing the payment and advertisement of interest on deposits, including limitations on".

(b) The second sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g) is amended by changing "limit by regulation" to read "prescribe rules governing the payment and advertisement of interest on deposits, including limitations on".

(c) The first sentence of section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended by changing "limit by regulation" to read "prescribe rules governing the payment and advertisement of interest or dividends on deposits, shares, or withdrawable accounts, including limitations on".

SEC. 3. (a) The first sentence of the eighth full paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 347) is amended by inserting ", or secured by such obligations as are eligible for purchase under section 14(b) of this Act" immediately before the period at the end thereof.

(b The first sentence of the last full paragraph of such section (12 U.S.C. 347c) is amended by inserting "or by any obligation which is a direct obligation of, or fully guaranteed as to principal and interest by, any agency of the United States" immediately before the period at the end thereof.

SEC. 4. Section 5A of the Federal Home Loan Bank Act is amended to read as follows:

"SEC. 5A. (a) The purpose of this section is to provide a means for creating meaningful and flexible liquidity in savings and loan associations and other members which can be increased when mortgage money is plentiful, maintained in easily liquidated instruments, and reduced to add to the flow of funds to the mortgage market in periods of credit stringency. More flexible liquidity will help support two main purposes of the Federal Home Loan Bank Act—sound mortgage credit and a more stable supply of such credit.

"(b) Any institution which is a member or which is an insured institution as defined in section 401(a) of the National Housing Act shall maintain the aggregate amount of its assets of the following types at not less than such amount as, in the opinion of the Board, is appropriate: (1) cash, (2) to such extent as the Board may approve for the purposes of this section, time and savings deposits in Federal Home Loan Banks and commercial banks, and (3) to such extent as the Board may so approve, such obligations, including such special obligations, of the United States, a State, any territory or possession of the United States, or a political subdivision, agency, or instrumentality of any one or more of the foregoing, and bankers' acceptances, as the Board may approve. The requirement prescribed by the Board pursuant to this subsection (hereinafter in this section referred to as the 'liquidity requirement') may not be less than 4 per centum or more than 10 per centum of the obligation of the institution on withdrawable accounts and borrowings payable on demand or with unexpired maturities of one year or less, or, in the case of institutions which are insurance companies, such other base or bases as the Board may determine to be comparable.

"(c) The amount of any institution's liquidity requirement, and any deficiency in compliance therewith, shall be calculated as the Board shall prescribe. The Board may prescribe different liquidity requirements, within the limitations specified herein, for different classes of institutions, and for such purposes the Board is authorized to classify institutions according to type, size, location, rate of withdrawals, or, without limitation by or on the foregoing, on such other basis or bases of differentiation as the Board may deem to be reasonably necessary or appropriate for effectuating the purposes of this section.

"(d) For any deficiency in compliance with the liquidity requirement, the Board may, in its discretion, assess a penalty consisting of the payment by the institution of such sum as may be assessed by the Board but not in excess of a rate equal to the highest rate on advances of one year or less, plus 2 per centum per annum, on the amount of the deficiency for the period with respect to which the deficiency existed. Any penalty assessed under this subsection against a member shall be paid to the Federal Home Loan Bank of which it is a member, and any such penalty assessed against an insured institution which is not a member shall be paid to the Federal Savings and Loan Insurance Corporation. The right to assess or to recover, or to assess and recover, any such penalty is not abated or affected by an institution's ceasing to be a member or ceasing to be insured. The Board may authorize or require that, at any time before collection thereof, and whether before or after the bringing of any action or other legal proceeding, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process therefor, and with or without consideration, any such penalty or recovery be compromised, remitted, or mitigated in whole or part. The penalties authorized under this subsection are in addition to all remedies and sanctions otherwise available.

"(e) Whenever the Board deems it advisable in order to enable an institution to meet withdrawals or to pay obligations, the Board may, to such extent and subject to such conditions as it may prescribe, permit the institution to reduce its liquidity below the minimum amount. Whenever the Board determines that conditions of national emergency or unusual economic stress exist, the Board may suspend any part or all of the liquidity requirements hereunder for such period as the Board may prescribe. Any such suspension, unless sooner terminated by its terms or by the Board, shall terminate at the expiration of ninety days next after its commencement, but nothing in this sentence prevents the Board from again exercising, before, at, or after any such termination, the authority conferred by this subsection.

"(f) The Board is authorized to issue such rules and regulations, including definitions of terms used in this section, to make such examinations, and to conduct such investigations as it deems necessary or appropriate to effectuate the purposes of this section. The reasonable cost of any such examination or investigation, as determined by the Board, shall be paid by the institution. In connection with any such examination or investigation the Board has the same functions and authority that the Federal Savings and Loan Insurance Corporation has under subsection (m) of section 407 of the National Housing Act, and for purposes of this subsection the provisions of said subsection (m), including the next to last sentence but not including the last sentence, and the provisions of the first sentence of subsection (n) of that section are applicable in the same manner and to the same extent that they would be applicable if all references therein to the Corporation were also references to the Board and all references therein to that section or any part thereof were also references to this section."

SEC. 5. Section 5(c) of the Home Owners' Loan Act of 1933 is amended by inserting immediately before the last paragraph thereof the following new paragraph:

"Any such association may invest in any investment which, at the time of the making of the investment, is an asset eligible for inclusion toward the satisfaction of any liquidity requirement imposed on the association pursuant to section 5A of the Federal Home Loan Bank Act, but only to the extent that the investment is permitted to be so included under regulations issued by the Board pursuant to that section, or is otherwise authorized."

SEC. 6. (a) Section 404(d) of the National Housing Act (12 U.S.C. 1727(d)) is amended to read as follows:

"(d)(1) Except as otherwise provided in this section, each insured institution shall pay to the Corporation, with respect to any calendar year in which it has a net account increase (as defined in paragraph (2) of this subsection), at such time and in such manner as the Corporation shall by regulations or otherwise prescribe, an additional premium (referred to in this subsection as the 'additional premium') in the nature of a prepayment with respect to future premiums of the institution under subsection (b) of this section. Any additional premium, when paid, shall be credited to the secondary reserve.

"(2) The 'net account increase', if any, for any insured institution with respect to any calendar year is equal to the amount, if any, by which the total of all accounts of its insured members at the end of that year exceeds the largest of the following:

"(A) the total of all accounts of its insured members at the close of the most recent day, if any, after 1965 on which it became an insured institution.

"(B) the total of all accounts of its insured members at the close of the year in which it most recently became an insured institution, or at the close of 1966, whichever is later.

"(C) the largest total of all accounts of its insured members at the close of any year after the most recent year referred to in subparagraph (B).

"(3) The additional premium, if any, for any institution with respect to any calendar year shall be equal to 2 per centum of its net account increase, computed in accordance with paragraph (2) of this subsection, less an amount equal to any requirement, as of the end of that year, for the purchase of Federal Home Loan Bank stock in accordance with section 6(c) of the Federal Home Loan Bank Act and without regard to any net increase during that year in its holdings of such stock, except that the additional premium for any institution for the first calendar year following the calendar year in which it becomes an insured institution shall not be less than 1 per centum of its net account increase for the year in which it becomes an insured institution. The Federal Home Loan Bank Board shall by regulations or otherwise provide for the furnishing to the Corporation of all necessary information with respect to Federal Home Loan Bank stock.

"(4) The Corporation may provide, by regulation or otherwise, for the adjustment of payments made or to be made under this subsection and subsections (b) and (c) of this section in cases of merger or consolidation, transfer of bulk assets or assumption of liabilities, and similar transactions, as defined by the Corporation for the purposes of this paragraph."

(b) The amendment made by subsection (a) of this section shall be effective only with respect to additional premiums due with respect to calendar years beginning after 1968.

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

If worse comes to worst, we ought to propose an amendment to the Constitution to make clear what the first amendment was intended to mean. If we cannot do that, then we ought to exercise better judgment in selecting those who go on the Supreme Court.

Mr. PROXMIRE. With much of what the Senator from Louisiana says, everybody would agree. I certainly would agree that among the people who paraded in Chicago and those people who marched under the Vietcong flag are undoubtedly subversive persons. Some of them may very well be associated with the Communist Party. But we do not have to fear from freedom of speech. What we should be concerned about is the tactics of those people some of which were revealed last night over television. The fact is that they deliberately goaded the police. They had a calculated plan to develop a situation which would gain sympathy for their cause and disrupt a great national convention. But I have not seen any real justification for our abridging or modifying or watering down or amending either the first amendment or the fifth amendment. I think what has made this country strong and what has made this country stronger than the Soviet Union, is the fact that we permit people to express their opinions. We can permit such expression; but to crack down hard on people who commit overt acts that constitute a definite threat to this country.

Mr. LONG of Louisiana. If this Senator had his way, anybody who took the American flag off a flagpole and ran up the enemy flag in its place would be put in jail at hard labor for a long, long time.

I thank the Senator for yielding.

Mr. LAUSCHE. Mr. President, I have just listened to the exchange of thoughts between the Senator from Wisconsin and the Senator from Louisiana. The discussion has revolved around what rights, under the first amendment providing for free speech, are to be vested in the people of the United States. Some persons argue that the first amendment contemplates the use of language, written words, and pictures without limitation. I do not subscribe to that view.

From the first day that the amendment was adopted, its meaning has always been interpreted to be consonant with the provisions of the common law of England dealing with the right of free speech. But according to a modern concept, it is now advocated that the right of free speech is absolutely without limitation.

Under the common law, a person could not lie about an individual under the guise of exercising free speech. He was not permitted to lie either by word of mouth or by written word, pictorially or otherwise. If he lied, he became subject to an action either in slander or libel. Under the common law there was a restraint on the type of pictures and written material that one could send among the people.

The right of free speech—what does it mean? It has been suggested here this morning that pulling down the flag of the United States and raising that of Communist Hanoi was a proper exercise of the right of free speech. Now there is being discussed by commentators, by newspapermen, and by periodical writers, the question of how far the right of free speech justifies the showing of pornographic, licentious, and prurient moving pictures. It is alleged that pictures have been approved by the Supreme Court of a nature that neither columnists nor editors dare tell the public what the pictures contain.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUSCHE. I ask unanimous consent that I may have 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. They are described as being lustful, pornographic, prurient, licentious—but no one dares tell in plain words what is in those pictures that have been protected under the principle of free speech.

The ordinary citizen, when he reads the paper or listens to the television commentator, and hears the word "pornographic" used, has no concept of the baseness, the foulness, and the impropriety of the pictures that have been approved. One cannot conceive what types of pictures have been approved as being proper under the free speech amendment. The basest concept of relationships between man and woman—or woman and woman—are shown publicly, to children, to the aged, to whoever has the money to buy a ticket.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. LAUSCHE. In just a moment.

I have begun to wonder, how can a father or mother, under their parental responsibility hope to build up the moral fabric of their children, when pictures of the type that I have described are being publicly shown under the alleged protection of the Constitution of the United States?

Mr. LONG of Louisiana. Will the Senator yield?

Mr. LAUSCHE. Yes; I yield now.

Mr. LONG of Louisiana. The Senator undertook to try to get the idea across by saying one cannot conceive of how base these things are that the Supreme Court has protected under the first amendment guarantee of freedom of speech.

It seems to me the better way to put it would be that one cannot conceive of anything lewd or disgusting that they have not protected under the theory of freedom of speech.

In other words, if you try to think of something that could not be shown, after having seen what they have shown, I would think it would challenge the mind to think of anything the Supreme Court might turn down, based upon what they have already approved.

Mr. LAUSCHE. I have not seen the pictures. I cannot believe they contain what has been told me. But there are members of the committee who have seen them, Members of the Senate who have seen them; and those Members corroborate the description that I have given of what has been shown as being proper for the consumption of the people of our country.

I contemplate seeing those pictures; and if they are of the nature that has been described to me, and that I have tried to describe rather gingerly on this floor, I shall have—I was going to say I shall have grave trouble in reaching a decision about the nomination; but I do not think that is so.

I was a judge for 10 years. I sent purveyors of pornographic literature to the penitentiary. I sent panderers, who worked upon the frailties of human beings, to the penitentiary. I sent to prison individuals who indecently exhibited themselves.

But now it is said that to indulge in the most foul and the basest type of human conduct—beastly conduct, I should say—is permissible, if it has with it some saving grace or redemption of morality. A picture for 14 minutes indulges in pornography, and for one-half minute the girl becomes redeemed, and that makes the picture valid.

I cannot go along with that. I simply cannot do it, and I will not.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. PROXMIRE. I should just like to make clear to the distinguished Senator from Ohio that I do not know of anyone who says that the free speech provision in the first amendment is without limitation. It has very definite limitations which the Supreme Court recognizes. The Senator from Ohio has ably indicated some of them. The limitations on libel and slander are other examples.

No one has argued that the Supreme Court would rule that pulling down our flag and hoisting the Vietcong flag has anything to do with freedom of speech. If they did, I certainly would not share that view.

I think the Supreme Court, as well, has made clear that there are limitations on pornography. The Senator from Ohio may well be correct in alleging that their limits are too free and flexible; but they have made it emphatically clear that they think censorship is proper, and can be tolerated, though they would provide more freedom and liberty than many of the rest of us would subscribe to.

I do not think anyone can properly charge the Supreme Court with saying there can be no censorship, that no community can keep certain literature from its children or its people.

Oliver Wendell Holmes said many years ago, as the Senator from Ohio well knows, that freedom of speech is limited, that it does not include shouting "fire" in a crowded theater, that under certain circumstances and in certain contexts, free speech can exceed the proper limits and be considered improper, and that laws can be sustained under the Constitution enforcing such limits, which would not be considered in violation of the first amendment.

So I think the Supreme Court has not taken the position that there are no limits on free speech. I think they have taken a consistent position. I do not subscribe to everything they have said by a long shot, but I think their position should be defended, and should not be

attacked wholesale as opening the door completely.

Mr. LAUSCHE. No, the Supreme Court has said positively that censorship is not permissible. By censorship, I mean setting up a board to censor pictures. The Supreme Court has said that censorship is out.

Mr. PROXMIRE. They have said that if there is redeeming social quality in the literature or in the picture, then it might overcome the other elements.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PROXMIRE. I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. The court has said you cannot use the power of censorship to achieve the objective that the Government wants. It must be done through criminal prosecution, it is said, where the defendant becomes entitled to a jury.

After the censorship laws were knocked out all over the Nation, then came new decisions, and the final word is that if the pornographic picture or literature has some redeeming quality, from a social standpoint, you cannot stop the picture from being shown. The fact is, Mr. President, that the type of pictures which I have described are being shown.

A man operating an arcade in California had machines in which a person would drop a coin and cause the machine to show a motion picture. The man was arrested, and convicted by a trial jury. The trial judge affirmed the conviction. The highest court of California affirmed the conviction because the pictures shown were of the nature I have just mentioned.

The case went to the Supreme Court, and the Supreme Court reversed it. I do not believe any reason was given. It was a per curiam decision of about 10 lines. In effect it said that the finding of the jury was wrong, the finding of the trial judge was wrong, and the finding of the Supreme Court of California was wrong.

Since that time, barrooms in Los Angeles are showing pictures of this type. Young people are flocking into the barrooms, sitting at the bars drinking alcohol, and looking at the pictures of man and woman in unbelievable relationships.

Where are we heading as a nation? How are we going to preserve the moral fabric of our youth when this is permitted publicly? We cannot do it.

Mr. MANSFIELD. Mr. President, I have listened to the debate this morning with a great deal of interest. I have not seen the pictures that have been referred to by the distinguished Senator from Ohio, nor do I have any intention of seeing them. Furthermore, it is my understanding that no member of the Supreme Court has ever viewed the pictures that have been referred to. However, I understand that some Senators have seen them.

It is my understanding that when a man is placed on the Supreme Court, he is there to interpret the Constitution and the law of the land according to his best judgment.

If we are going to castigate Mr. Justice Fortas on the basis of pornographic motion pictures and the like, then I think we have also to take into consideration the fact, as I understand it, that four other Justices voted with him and that none of those Justices are being criticized for their votes in that particular instance.

I also point out that in a case which had more far-reaching implications than the one referred to this morning—the so-called Ginzberg case—Mr. Justice Fortas was the deciding factor in a 5-to-4 decision upholding the conviction of Mr. Ginzberg.

Rather than criticize the Court for what it has done, perhaps we ought to take counsel among ourselves.

I am of the impression that only a few months ago the Congress passed a law dealing with obscenities. That law is the result of a bill submitted by the distinguished Senator from South Dakota [Mr. MUNDT].

If there are defects in the law and licentiousness is being permitted, then I think Congress has a responsibility to initiate legislation, pass it, and thus assure that the views we express in enacting a law by a majority vote is the law of the land.

Mr. President, to me what is happening is not an attack on Mr. Justice Fortas alone. I think it is an attack on the Supreme Court as well. Therefore, I would hope that before we go too far in criticizing the Court, we would look onto our own responsibility, would consider and initiate legislation to overcome any evil and license which have been described, and act reasonably in our own body as the Constitution prescribes.

I am hopeful that the matter will be decided definitely in the committee tomorrow. I am hopeful that the matter will be brought to the floor of the Senate for consideration. I am hopeful also that the debate will be dignified and will be carried on within the confines of decorum and an understanding of what a Supreme Court Justice is.

I would point out that in the vote on the confirmation of Mr. Justice Fortas 3 years ago, to the best of my knowledge only one of the 100 Members of the Senate voted against his confirmation.

Regardless of the outcome of this particular nomination by the President, Mr. Justice Fortas will continue to serve on the Court. And if he continues in the capacity of an Associate Justice, then in my opinion the Chief Justice, Mr. Warren, will not resign but will remain on the Court for a long time to come.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SCENIC RIVERS ACT OF 1968

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 119.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 119) to reserve certain public lands for a national wild and scenic rivers system, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes, which was, strike out all after the enacting clause, and insert:

That (a) this Act may be cited as the "National Scenic Rivers Act of 1968".

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

(c) The purpose of this Act is to implement this policy by instituting a national scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

SEC. 2. (a) The national scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as scenic rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as scenic rivers by an agency or political subdivision of the State or States concerned without expense to the United States, that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine, and that segment of the Wolf River, Wisconsin, which flows through Langlade County.

(b) A scenic river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every scenic river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national scenic rivers system, and if included, shall be classified, designated, and administered as one of the following:

(1) Class I scenic river areas—Those rivers or sections of rivers that are free of impoundments and inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Class II scenic river areas—Those rivers or sections of rivers free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Class III scenic river areas—Those rivers or sections of rivers which are readily accessible by road or railroad, which may have some development along their shorelines, and which may have undergone some impoundment or diversion in the past.

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national scenic rivers system:

(1) CLEARWATER, MIDDLE FORK, IDAHO.—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

(2) RIO GRANDE, NEW MEXICO.—The segment extending from the Colorado State line downstream to the State Highway 38 crossing, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

(3) ROGUE, OREGON.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the Interior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

(4) SAINT CROIX, MINNESOTA AND WISCONSIN.—The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: *Provided*, That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this Act may be expended for the acquisition or development of lands in connection with, or for administration under this Act of, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, including the company's right, title, and interest to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river, in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (c) of section 10 of this Act.

(5) SALMON, MIDDLE FORK, IDAHO.—From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

(6) WOLF, WISCONSIN.—From the Langlade-Menominee County line downstream to Keshena Falls; to be administered by the Secretary of the Interior.

(b) The agency charged with the administration of each component of the national scenic rivers system designated by subsection (a) of this section shall, within one year from the date of this Act, establish detailed boundaries therefor (which boundaries shall include an average of not more than three hundred and twenty acres per mile on both sides of the river), determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments, and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

SEC. 4(a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and from time to time submit to the President and the Congress proposals for the addition to the national scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system; which, in his or their judgment, fall within one or more of the classes set out in section 2, subsection (b), of this Act; and which are proposed to be administered, wholly or partially, by an agency of the United States. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat., 244, 42 U.S.C., 1962 et seq.).

Each proposal shall be accompanied by a report, including maps and illustrations, showing among other things the area included within the proposal, the characteristics which make the area a worthy addition to the system; the current status of landownership and use in the area, the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area be administered; the extent to which it is proposed that administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area as a component of the system. Each such report shall be printed as a Senate or House document.

(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress.

(c) Before approving or disapproving for inclusion in the national scenic rivers system any river designated as a scenic river by or pursuant to an Act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national scenic rivers system:

(1) Bruneau, Idaho: The entire main stem.

(2) Buffalo, Tennessee: The entire river.

(3) Chattooga, North Carolina, South Carolina, and Georgia: The entire river.

(4) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.

(5) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.

(6) Eleven Point, Missouri: The segment in the State of Missouri.

(7) Feather, California: The entire Middle Fork.

(8) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork, the Middle Fork from its headwaters to its confluence with the South Fork, and the South Fork from its origin to Hungry Horse Reservoir.

(9) Gasconade, Missouri: The entire river.

(10) Illinois, Oregon: The entire river.

(11) Little Miami, Ohio: That segment of the main stem of the river exclusive of its tributaries from a point at the Warren-Clermont County line at Loveland, Ohio, upstream to the sources of the Little Miami including the North Fork.

(12) Missouri, Montana: The segment between Fort Benton and Ryan Island.

(13) Moyie, Idaho: The segment from the Canadian border to its confluence with the Kootenai River.

(14) Obed, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.

(15) Penobscot, Maine: Its east and west branches.

(16) Pere Marquette, Michigan: The entire river.

(17) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville.

(18) Priest, Idaho: The entire main stem.

(19) Rio Grande, Texas: The portion of the river between the west boundary of Brewster County and the east boundary of Terrell County on the United States side of the river: *Provided*, That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.

(20) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.

(21) Saint Joe, Idaho: The entire main stem.

(22) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.

(23) Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek, the Cascade River between its mouth and the junction of its North and South Forks, the South Fork to the boundary of the Glacier Peak Wilderness Area, the Suiattle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek, the Sauk River from its mouth to its junction with Elliott Creek, the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

(24) Suwannee, Georgia and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.

(25) Upper Iowa, Iowa: The entire river.

(b) The Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture shall proceed as expeditiously as possible to study each of the

rivers named in subsection (a) of this section in order to determine whether it should be included in the national scenic rivers system. Such studies shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within fifteen years from the date of this Act: *Provided, however,* That with respect to the Suwannee River, Georgia and Florida, and Upper Iowa, Iowa, such study shall be completed and reports made thereon to the President and the Congress, as provided by in section 4 of the Act, within two years from the date of this Act. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments which, if undertaken, would render them unsuitable for inclusion in the national scenic rivers system.

(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national scenic rivers system. No study otherwise required by this section shall be undertaken or pursued in the case of any stream or section of a stream which the Governor of the State in which it is located certifies the State or one of is agencies or political subdivisions is prepared to study for the purpose of determining whether it should be proposed for inclusion in the national scenic rivers system so long as the State or one of its agencies or political subdivisions does in fact pursue said study with diligence. Nothing contained in the preceding sentence, however, shall be taken to forbid the Secretary of the Interior or the Secretary of Agriculture to cooperate with the State, the agency, or the political subdivision in undertaking and carrying out the study.

(d) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national scenic river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional scenic river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

SEC. 6. (a) The Secretary of the Interior is authorized to acquire lands and interests in land within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress. Lands owned by an Indian tribe, by a State, or by a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe, State, or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

(b) The Secretary of the Interior is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State or States in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(c) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the Secretary of the Interior jurisdiction over such lands for administration in accordance with the provisions of this Act.

(d) The Secretary of the Interior is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national scenic rivers system.

(e) Subsections (a), (b), (c), and (d) of this section shall apply with equal force to the Secretary of Agriculture in the case of any component of the national scenic rivers system which is within his administrative jurisdiction. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands

SEC. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a scenic river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the scenic river area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of only water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval—

(i) during the five-year period following enactment of this Act unless, prior to the expiration of said period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, conclude that such river should not be included in the national scenic rivers system and publish notice to that effect in the Federal Register, and

(ii) during such additional period thereafter as, in the case of any river which is recommended to the President and the Congress for inclusion in the national scenic rivers systems, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national scenic rivers system under section 2(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential scenic river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential scenic river area on the date of approval of this Act.

No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601–5 et seq.).

SEC. 8 (a) All public lands within the authorized boundaries of any component of the national scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of

the United States for the periods specified in section 7, subsection (b), of this Act.

SEC. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national scenic rivers system except that—

(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a class I scenic river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriations under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance of leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the areas in the event it is subsequently included within the system.

SEC. 10. (a) Each component of the national scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of the values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

(b) Any portion of a component of the national scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(c) Any component of the national scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(d) The Secretary of Agriculture, in his administration of any component of the national scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(e) The Federal agency charged with the administration of any component of the national scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

SEC. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local scenic river areas. He shall also in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such scenic river areas.

(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them, assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such scenic river areas.

SEC. 12. (a) The Secretary of the Interior, the Secretary of Agriculture, and heads of other Federal agencies shall review administrative and management policies, regulations, contracts, and plans affecting lands under their respective jurisdictions which include, border upon, or are adjacent to the rivers listed in subsection (a) of section 5 of this Act in order to determine what actions should be taken to protect such rivers during the period they are being considered for potential addition to the national scenic rivers system. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

(c) The head of any agency administering a component of the national scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

SEC. 13. (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety and shall issue appropriate regulations on public safety after consultation with the wildlife agency of the State or States affected.

(b) Nothing in this Act shall constitute an express or implied claim or denial on the part of the United States with respect to the applicability to it of, or to its exemption from, State water laws, and nothing in this Act shall be construed to alter, amend, or repeal any interstate water compact which has heretofore been entered into by States which contain any portion of the national scenic rivers system and to which the consent or approval of the Congress has been given.

(c) A State shall have such rights as may be necessary to assure adequate access by such State to the beds of navigable rivers which are vested in the State, in case such beds are located in a national scenic river: *Provided*, That no river, the bed of which is vested in a State, shall be included in the national scenic rivers system pursuant to section 2, subsection (a)(ii), of this Act without certification by the State that it will not permit mining or similar disruption of its bed.

(d) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided*, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act and shall not be based upon the Department of the Interior or Department of Agriculture regulations relating to granting rights-of-way for power transmission lines issued March 23, 1963 (28 F.R. 2903, 2905; 43 C.F.R. 2234.4, 36 C.F.R. 251.52).

SEC 14. The claim and allowance of the value of a conservation easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

SEC. 15. As used in this Act, the term—

(a) "River" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, rills, small lakes, and, as provided in this Act, manmade waterways.

(b) "Free-flowing", as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, riprapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures

at the time any river is proposed for inclusion in the national scenic rivers system shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national scenic rivers system.

(c) "Conservation easement" means a perpetual interest in land, however created or expressed, which interest (i) is held by or for the benefit of the United States or the people of the United States, a State or the people of a State, or another public body or the people of such body, (ii) is specifically enforcible by its holder or beneficiaries, and (iii) limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of the land and activities conducted thereon, the disturbance or modification of the surface or subsurface thereof, the structures placed or maintained thereon, or the growth, planting, removal, destruction, or damaging of vegetation thereon, or in other respects in connection therewith, all as more specifically spelled out in the document by which such interest in land is created, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it and of flora, fauna, and archeological or historic remains on it or them and the preservation of the values thereof for scientific study and for public enjoyment by present and future generations.

SEC. 16. There are hereby authorized to be appropriated such sums as may be necessary, but not more than $17,340,000, for the acquisition of lands and interests in land under the provisions of this Act.

And amend the title so as to read: "An Act to provide for a national scenic rivers system, and for other purposes."

Mr. MANSFIELD. Mr. President, I move that the Senate disagree to the amendment of the House and request a conference with the House thereon and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. JACKSON, Mr. CHURCH, Mr. NELSON, Mr. KUCHEL, and Mr. JORDAN of Idaho conferees on the part of the Senate.

TELEVISION INTERVIEW WITH SENATOR BYRD OF WEST VIRGINIA ON FORTAS NOMINATION AND MAYOR DALEY'S HANDLING OF DEMOCRATIC CONVENTION DEMONSTRATIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD questions asked of me during a television interview on September 11, 1968, and of my answers thereto.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

TELEVISION INTERVIEW WITH SENATOR BYRD OF WEST VIRGINIA CONCERNING THE NOMINATION OF ABE FORTAS TO U.S. SUPREME COURT AND MAYOR DALEY'S HANDLING OF THE CHICAGO CONVENTION DEMONSTRATIONS, SEPTEMBER 11, 1968

Question. Senator Byrd, the President has criticized Senators for opposing the nomination of Abe Fortas for Chief Justice of the United States. What is your reaction?

Answer. Well, the Constitution does not say that the President shall always have his way in the mtater of nominations, nor does it say the Senate shall act as a rubber stamp.

It says that "by and with the advice and consent of the Senate," the President shall appoint Justices to the Supreme Court.

Now, every Senator before entering upon the duties of his office, swears a solemn oath that he will support and defend the Constitution of the United States, and that he will bear true faith and allegiance to it.

Therefore, he bears a very heavy responsibility to consider such matters as this very carefully; and he is under no obligation to follow the wishes of the President just because he is a friend of the President, or happens to belong to the same political party.

As a matter of fact, he should not accede to the wishes of the President if his own convictions and conscience direct him otherwise.

The President has been quoted as being critical of Senators who disapprove of some of the opinions of the sitting Justices.

I disapprove of the opinions which have favored the atheist, the Communist, and, particularly the criminal.

I have made many speeches on law and order, and I don't think that I am kidding anybody if I speak one way and vote another. I think if I really mean business about attacking crime, I should attack one of the roots of spirallying crime, and that would be the root of Supreme Court decisions.

I voted for Mr. Fortas when he first went on the Court. But I have no intention of supporting him for Chief Justice, regardless of what the President thinks or says. Mr. Fortas' votes as a sitting justice constitute the entire basis for my opposition.

The President complains about a small minority of Senators who have, in his words, thwarted the will of the majority. Well, the majority is not always right. The majority can be wrong; the President can be wrong; I can be wrong. But I have a duty to vote my own convictions rather than someone else's.

Question. Senator Byrd, what is your opinion of the continuing controversy over Mayor Daley's handling of the demonstrations at the Democratic Convention?

Answer. I think that Mayor Daley was handed a raw deal by some of the news media. He has been pictured as a sort of Hitler, operating a Gestapo that beats up innocent people.

I think it is not fair to give just one side of the story. In some instances, the Chicago police may have over-reacted. But put yourself in their place—kicked, cursed, having firecrackers thrown in your face by menacing mobs.

Not all of these were young, innocent boys and girls, you know. Many of them were the same foul-mouthed, obsccene, militant hoodlums, hippies, and yippies who participated in the march on the Pentagon and other violent demonstrations.

I have talked with Mayor Daley. He told me that more than 100 or his policemen had been injured, cut by jagged broken bottles, sharp-edged stones, bricks, knives, and golf balls studded with nails. He told me that there were 2 or 3 of his policemen who might never regain their eyesight.

So I believe that the very least that should be done, is for all of the major networks to give Mayor Daley an opportunity to freely tell his side of the story.

Several respected journalists have recently come to his defense—people who were in Chicago, who saw what went on, and who saw what provoked the police. We were all aware of the press stories which for months indicated that militant groups intended to take over the Convention and create disorder and trouble.

So based on my own discussions with people who attended the Convention—Senators, delegates, and guests and otherwise—I am convinced, in my own mind, that Mayor Daley acted properly in upholding law and order and protecting the lives of the delegates and guests and candidates who attended the Convention. I think that he had a responsibility to do this, and I applaud him for his courage.

INTERVIEWER. Thank you, Senator Byrd.

DOES COMPASSION YET LIVE IN OUR HEARTS?

Mr. MONTOYA. Mr. President, we have reached a point where our consciousness is saturated with a daily roll-call of human misery and inhumanity. Wherever we turn, there is recrimination, hatred, passion, greed, violence, and strife. It seems there is no end to the atrocities human beings will commit upon another. One emotion-filled front page is replaced by another even more horrid. One reaches a point where one desperately hopes for a tiny ray of sunlight—an event reflecting goodness and love.

Mr. President, the most beautiful word in the English language is "compassion." A reaching out by one person to another on a basis of warmth and empathy, rather than for what can be obtained. It is a lovely word, expressing all that is most beautiful and even noble in man's nature.

Periodically, people institutionalize such an emotion, allowing others to reach out in such a manner to those most in need. Such a concept has found eloquent expression in the "foster grandparents program."

Taking older citizens with minimal incomes and allowing them to act as foster grandparents to children most in need of such companionship is a unique concept. Furthermore, it works.

Imagine a child who is retarded, bereft of the ordinary solace provided by close, affectionate relations. Withdrawn, fearful, he or she contemplates our world with a terrified and uncomprehending eye. Suddenly, there is a mature, older person, starved for an opportunity to give of himself to one who would respond and return that affection. This is the foster grandparents program.

Mr. President, a reading of a recent report on the success of such a program in my home State of New Mexico recently moved me most deeply. How blind we all are. How little we see. How cold our society is. How desperately we need to reach out to someone else.

Do we not all profess to believe in the principles encompassed and represented by such a program? Yet we cannot institutionalize love or compassion, which must come from one's own heart. It is my hope there will be more than one American who will take note of this article and these few words and ask themselves a question or two.

Let them read that here in the midst of all the horror and strife we are surrounded with, there is yet a simple, deep love one lonely and giving person may impart towards another. Let them realize that most of those who react most strongly are merely mutely pleading for understanding, emotion and a simple realization that they are not alone.

The setting for this particular example is Los Lunas Hospital in my own State of New Mexico. The article was published in the Albuquerque Journal of

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
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(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued September 19, 1968
For actions of September 18, 1968
90th-2nd No. 152

CONTENTS

HIGHLIGHTS. House received conference report recommending 1 year extension of farm program. Senate ordered school lunch bill to lie on table. House agreed to conference report on trails bill. House rejected resolution to clear supergrades bill. Conferees agreed to file report on scenic rivers bill. Senate concurred in House amendment to N. J. wilderness bill. Senate committee reported Davis nomination to be Assistant Secretary of USDA. Rep. Tunney introduced and discussed bills to provide rural-urban balance.

HOUSE

1. FARM PROGRAM. Received the conference report on H. R. 17126, the farm bill (H. Rept. 1905). The conference substitute extends the Food and Agriculture Act of 1965 for 1 year and omits all other amendments. p. H8952

2. TRAILS. Agreed to the conference report on S. 827, to establish a nationwide system of trails (pp. H8884-6). See Digest 148 for provisions of conference report.

3. SUPERGRADES. Rejected, 134-221, a resolution for the consideration of H. R. 15890, to provide for additional supergrade positions in certain executive agencies. pp. H8889-94

4. SCENIC RIVERS. Conferees agreed to file a report on S. 119, to reserve certain public lands for a national wild rivers system. p. D845

5. BUDGET. Rep. Curtis claimed that the cutback of $6 billion required in the tax increase and expenditure control bill "has been reversed" and that the net total budgeted outlays are now estimated to be $191 billion for fiscal year 1969. p. H8882

6. TAXATION. The Ways and Means Committee reported with amendment H. R. 17332, to amend the Internal Revenue Code of 1954 regarding taxes on gasoline and oil s used for agricultural purposes (H. Rept. 1901); and with amendments H. R. 14095, to make certain changes to facilitate the production of wine (H. Rept. 1899). p. H8961

7. FARM CREDIT. The Agriculture Committee reported without amendment H. R. 19418, to expedite retirement of Government capital from Federal intermediate credit banks, production credit associations, and banks for cooperatives (H. Rept. 1897) p. H8961

8. PERSONNEL. Agreed to a resolution for the consideration of H. R. 17682, civil service retirement financing (pp. H8898-900). This bill includes provisions that the period for determining average salary for annuity computation purposes would be changed from 5 years to 3 years, that unused sick leave would be added to the actual length of service for computing the annuity of an employee retiring or the annuity of the survivors of an employee dying in service, and that an extra 1 percent would be added to each annuity increase resulting from changes in the Consumer Price Index.

Concurred in Senate amendments with an amendment, to H. R. 13844, to provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died while on duty in the Armed Force p. H8888

9. RESEARCH STATION. A subcommittee of the Agriculture Committee approved for full committee action H. R. 14388, to convey certain real property in the Agricultural Research Center, Beltsville, Md. p. D844

10. EDUCATION. The conferees agreed to file a report on S. 3769, the proposed Higher Education Amendments of 1968. p. D845

11. APPROPRIATIONS. Both Houses agreed to the conference report on H. R. 18785, the military construction appropriation bill, and agreed on the amendment in disagreement (pp. H8883-4, S10944-5). This bill includes funds for payment to the Commodity Credit Corporation on the indebtedness for housing constructed in foreign countries with foreign currencies derived from the sale of surplus commodities. The bill will now be sent to the President.

Received the conference report on H. R. 17023, the independent offices and HUD appropriation bill, 1969 (H. Rept. 1904). p. H8961

BANKING

Committee on Banking and Currency: Committee met in executive session on pending legislation. No announcements were made.

ELECTION LAWS—STATUE

Committee on House Administration: Committee met in executive session and ordered reported to the House H.R. 18797, to revise the contested election law contests, and S.J. Res. 191, to authorize the erection of a statue of Benito Pablo Juarez on public grounds in the District of Columbia.

IFC

Committee on Interstate and Foreign Commerce: Committee met in executive session on pending legislation.

IMMIGRATION

Committee on the Judiciary: Subcommittee No. 1 continued hearings on a review of the act of October 3, 1965, on immigration. Testimony was heard from a Government witness.

NEWSPAPER PRESERVATION

Committee on the Judiciary: Subcommittee No. 5 continued hearings on the Newspaper Preservation Act, H.R. 19123 and related bills. Testimony was heard from Representatives Edmondson, Matsunaga, and Quillen. Statements for the record were submitted by Representatives Fulton of Tennessee, Macdonald of Massachusetts, Belcher, and Senator Hayden.

YOUTH CAMPS

Committee on Education and Labor: Select Subcommittee on Education concluded hearings on H.R. 17131, to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards, and H.R. 17307, to provide for a study of the extent and enforcement of State laws and regulations governing the operation of youth camps. A Government witness and public witnesses were heard.

OAS

Committee on Foreign Affairs: Subcommittee on Inter-American Affairs met in executive session and was briefed by Ambassador Sol M. Linowitz, U.S. Representative to the OAS and U.S. Representative on the Inter-American Committee on the Alliance for Progress, on recent developments in the Organization of American States.

ESSA

Committee on Merchant Marine and Fisheries: Committee held a hearing on H.R. 17993, to provide for the appointment, promotion, separation, and retirement of commissioned officers of the Environmental Science Services Administration. One Government witness was heard. Following the open hearing, the committee met in executive session but no final action was taken. The committee adjourned subject to call of the Chair.

FEDERAL SALARIES

Committee on Post Office and Civil Service: Subcommittee on Compensation continued hearings on the present methods for adjusting Federal salaries under the various statutory pay systems. The hearings will be resumed on Friday, September 20.

LAND ACQUISITION

Committee on Public Works: Committee continued hearings on H.R. 386, and related bills, providing for uniform relocation assistance and land acquisition policy. Two public witnesses were heard. Hearings will be resumed on Thursday, September 19.

Joint Committee Meetings

HIGHER EDUCATION

Conferees, in a late evening session on Tuesday, September 17, agreed to file a conference report on the differences between the Senate- and House-passed versions of S. 3769, proposed Higher Education Amendments of 1968.

FARM BILL

Conferees, in executive session, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 17126, extending and improving programs to maintain farm income, stabilize prices, and assure adequate supplies of agricultural commodities. The conferees agreed to a 1-year extension of present farm programs.

WILD RIVERS

Conferees, in executive session, agreed to file a conference report on the differences between the Senate- and House-passed versions of S. 119, to reserve certain public lands for a national wild rivers system.

APPROPRIATIONS—INDEPENDENT OFFICES

Conferees, in executive session, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 17023, fiscal 1969 appropriations for independent offices and the Department of Housing and Urban Development.

FOOD STAMPS

Conferees met in executive session to resolve the differences between the Senate- and House-passed versions of S. 3068, authorizing $245 million for the Food Stamp Act for fiscal year 1969, and agreed to disagree to the House amendment dealing with eligibility of strikers and college students to receive food stamps.

Next meeting of the SENATE
12:00 noon, Thursday, September 19

APPROPRIATIONS—LABOR-HEW

Conferees met in executive session to resolve the differences between the Senate- and House-passed versions of H.R. 18037, fiscal 1969 appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, but did not reach final agreement, and will meet again on Thursday, September 26.

BILL SIGNED BY THE PRESIDENT

New Law

(*For last listing of public laws, see* DIGEST, *p. D817, September 11, 1968*)

H.J. Res. 1299, designating week including September 15 and 16 as "National Hispanic Heritage Week." Signed September 17, 1968 (P.L. 90–498).

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 19

(*All meetings are open unless otherwise designated*)

Senate

Committee on Appropriations, subcommittee, executive, to mark up H.R. 18707, fiscal 1969 appropriations for the Defense Establishment, 10:30 a.m., room S–128, Capitol.

Committee on the District of Columbia, Subcommittee on Business and Commerce, on H.R. 13480 and S. 1222, relating to penalties for operating on revoked driver's permits in the D.C., 12 noon, 6226 New Senate Office Building.

Committee on Foreign Relations, on the nominations of William G. Bowdler, to be Ambassador to El Salvador; Arthur W. Hummel, Jr., to be Ambassador to Burma; Leo J. Sheridan, to be Ambassador to Ireland; and on Convention establishing a Customs Cooperation Council, Astronaut Assistance and Return Agreement, and Convention on Transit Trade of Land-Locked States, 10 a.m., 4221 New Senate Office Building.

Committee on Interior and Insular Affairs, Subcommittee on Indian Affairs, on H.R. 3306, providing for the protection of the watershed within Carson National Forest for the Pueblo de Taos Indians of New Mexico, 10 a.m., 3110 New Senate Office Building.

Committee on Labor and Public Welfare, executive, on H.R. 10790, proposed Radiation Control for Health and Safety Act, 10 a.m., 4232 New Senate Office Building.

Next meeting of the HOUSE OF REPRESENTATIVES
12:00 noon, Thursday, September 19

House

Committee on Appropriations, executive, on foreign assistance appropriation bill, 10 a.m., room H–140, Capitol.

Committee on the District of Columbia, executive, to consider pending business, 10 a.m., 1310 Longworth House Office Building.

Committee on Education and Labor, executive, to consider H.R. 19747, to strengthen and improve the Older Americans Act of 1965, 9:45 a.m., 2175 Rayburn House Office Building.

Committee on Foreign Affairs, Subcommittee on Asian and Pacific Affairs, executive, for briefing by William P. Bundy, Assistant Secretary of State for East Asian and Pacific Affairs, 2:30 p.m., H–227, Capitol.

Committee on Interstate and Foreign Commerce, executive, on pending legislation, 10 a.m., 2123 Rayburn House Office Building.

Committee on the Judiciary, Subcommittee No. 5, to continue hearings on H.R. 19123 and related bills, the Newspaper Preservation Act, 10 a.m., 2141 Rayburn House Office Building.

Committee on the Judiciary, Subcommittee No. 1, executive, to consider private immigration bills, 10:45 a.m., 2237 Rayburn House Office Building.

Committee on the Judiciary, Subcommittee No. 2, executive, on pending legislation, 10 a.m., 2226 Rayburn House Office Building.

Committee on Post Office and Civil Service, executive, on pending legislation, 10 a.m., 210 Cannon House Office Building.

Committee on Post Office and Civil Service, executive, Subcommittee on Retirement, Insurance, and Health Benefits, to consider S. 1190, computation of surviving spouses' annuities of reemployed annuitants; and S. 1507, to include firefighters within hazardous occupation retirement provisions, 9:30 a.m., 209 Cannon House Office Building.

Committee on Public Works, to continue hearings on H.R. 386, and related bills, providing for uniform relocation assistance and land acquisition policy, 10 a.m., 2167 Rayburn House Office Building.

Committee on Rules, to consider waiving points of order against the foreign assistance appropriations, fiscal year 1969, 11 a.m., H–313, Capitol.

Joint Committees

Conferees, executive, on H.R. 15758, authorizing funds to extend and improve regional medical programs, 2 p.m., room EF–100, Capitol.

Extensions of Remarks of the following Members appear in this issue

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued September 25, 1968
For actions of September 24, 1968
90th-2nd; No. 156

CONTENTS

HIGHLIGHTS: Senate debated farm tax-amortization bill. Agreed to Ellender amendment to exempt CCC from certain expenditure and obligation controls, and Byrd, W.Va., amendment to exempt certain SCS activities from expenditure and obligation controls and personnel ceilings. House received conference report on scenic rivers bill.

SENATE

1. TAXATION. Continued debate on H. R. 2767, to allow farmers an amortized tax deduction for assessments levied by soil and water conservation districts. pp. S11294-329
   Agreed to the following amendments:
   By Sen. Ellender, 36-34, to exempt CCC price support programs from expenditure cuts and new obligational authority reductions. pp. S11296-318
   By Sen. Byrd, W. Va., 37-29, to exempt certain Soil Conservation Service activities from expenditure cuts, new obligational authority reductions and personnel ceilings, provided any additional employees needed shall be supplied from other agencies. pp. S11319-25

By Sen. Long, La., as modified, 64-3, to exempt the Social Security Administration from personnel limitations provided additional employees needed shall be supplied from other agencies. pp. S11294-5

By Sen. Long, La., 44-25, to provide a revised formula for payments to States toward Medicaid and prohibiting payments for medicaid to persons whose income exceeds an amount to be determined in accordance with certain standards. pp. S11325-29

Rejected an amendment by Sen. Hart, 25-45, (as a substitute to Sen. Ellender's amendment) to exempt CCC farm price support programs and grants to States for public assistance as authorized by the Social Security Act, from expenditure controls. pp. S11302-16

Sen. Montoya submitted an amendment to the bill which he stated "would let the Farmers Home Administration buy bonds from the public districts at the low tax-exempt lending rates, and place those bonds with private investors who would receive the higher insured-loan interest rate. The private lenders in turn would pay Federal tax on their interest earnings." pp. S11274-5

2. LANDS. Passed without amendment H. R. 1340, to provide authority for construction of a 180-mile extension of the Blue Ridge Parkway from Beech Gap, N.C., to the vicinity of Cartersville, Va., about 30 miles north of Atlanta, and for the acceptance of donations of the lands needed for this extension. This bill will now be sent to the President. pp. S11270-4

3. HUNGER. Sen. Proxmire stated "our responsibility grows" to meet the humanitarian needs in Biafra and Nigeria and inserted an American Friends Service Committee plea for funds to aid the starving. pp. S11286-7

4. APPROPRIATIONS. Sen. Russell criticized the "unexpected delays" encountered in consideration of the Defense Department appropriation bill. pp. S11329-30

HOUSE

5. SCENIC RIVERS. Received the conference report on S. 119, to provide for a national scenic rivers system (H. Rept. 1917). pp. H9023-28

6. EDUCATION. Conferees were appointed on H. R. 18366, to amend the Vocational Education Act of 1963. Senate conferees have been appointed. p. H9028

Rep. Hall objected to a request by Rep. Albert to extend the time for filing a report on S. 3769, the higher education bill. p. H9028

7. LEGISLATIVE PROGRAM. The "Daily Digest" states that on Wed., Sept. 25, the House will consider the parking facilities bill, the farm bill conference report, food stamp bill conference report and the bill to establish an office of U. S. magistrates. p. D862

EXTENSION OF REMARKS

8. OPINION POLL. Rep. Fulton, Pa., inserted the results of a questionnaire including items of interest to this Department. pp. E8163-6

90TH CONGRESS, 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 1917

NATIONAL WILD AND SCENIC RIVERS SYSTEM

SEPTEMBER 24, 1968.—Ordered to be printed

Mr. TAYLOR, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 119]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 119) entitled "An act to reserve certain public lands for a national wild and scenic rivers system, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows:

In lieu of the matter inserted by the House amendment insert the following:

That (a) this Act may be cited as the "Wild and Scenic Rivers Act."

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

(c) The purpose of this Act is to implement this policy by instituting a national wild and scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

98-006—68——1

Sec. 2. (a) The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned without expense to the United Stotes, that are found by the Secretary of the Interior, upon application of the Governor of the State or the governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine, and that segment of the Wolf River, Wisconsin, which flows through Langlade County.

(b) A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system and, if included, shall be classified, designated, and administered as one of the following:

(1) Wild river areas—Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Scenic river areas—Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Recreational river areas—Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

Sec. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) Clearwater, Middle Fork, Idaho.—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

(2) Eleven Point, Missouri.—The segment of the river extending downstream from Thomasville to State Highway 142; to be administered by the Secretary of Agriculture.

(3) Feather, California.—The entire Middle Fork; to be administered by the Secretary of Agriculture.

(4) Rio Grande, New Mexico.—The segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

(5) Rogue, Oregon.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the Interior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

(6) Saint Croix, Minnesota and Wisconsin.—The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: Provided, That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this Act may be expended for the acquisition or development of lands in connection with, or for administration under this Act of, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, including the company's right, title, and interest to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (e) of section 10 of this Act.

(7) Salmon, Middle Fork, Idaho.—From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

(8) Wolf, Wisconsin.—From the Langlade-Menominee County line downstream to Keshena Falls; to be administered by the Secretary of the Interior.

(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from the date of this Act, establish detailed boundaries therefore (which boundaries shall include an average of not more than three hundred and twenty acres per mile on both sides of the river); determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

Sec. 4. (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and from time to time submit to the President and the Congress proposals for the addition to the national

wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system; which, in his or their judgment, fall within one or more of the classes set out in section 2. subsection (b), of this Act; and which are proposed to be administered, wholly or partially, by an agency of the United States. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.).

Each proposat shall be accompanied by a report, including maps and illustrations, showing among other things the area included within the proposal; the characteristics which make the area a worthy addition to the system; the current status of landownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area be administered; the extent to which it is proposed that administraion, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area as a component of the system. Each such report shall be printed as a Senate or House document.

(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress. No river or portion of any river shall be added to the national wild and scenic rivers system subsequent to enactment of this Act until the close of the next full session of the State legislature, or legislatures in case more than one State is involved, which begins following the submission of any recommendation to the President with respect to such addition as herein provided.

(c) Before approving or disapproving for inclusion in the national wild and scenic rivers system any river designated as a wild, scenic or recreational river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

Sec. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

(1) Allegheny, Pennsylvania: The segment from its mouth to the town of East Brady, Pennsylvania.

(2) Bruneau, Idaho: The entire main stem.

(3) Buffalo, Tennessee: The entire river.

(4) Chattooga, North Carolina, South Carolina, and Georgia: The entire river.

(5) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.

(6) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.

(7) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

(8) Gasconade, Missouri: The entire river.

(9) Illinois, Oregon: The entire river.

(10) Little Beaver, Ohio: The segment of the North and Middle Forks of the Little Beaver River in Columbiana County from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.

(11) Little Miami, Ohio: That segment of the main stem of the river, exclusive of its tributaries, from a point at the Warren-Clermont county line at Loveland, Ohio, upstream to the sources of Little Miami including North Fork.

(12) Maumee, Ohio and Indiana: The main stem from Perrysburg, Ohio, to Fort Wayne, Indiana, exclusive of its tributaries in Ohio and inclusive of its tributaries in Indiana.

(13) Missouri, Montana: The segment between Fort Benton and Ryan Island.

(14) Moyie, Idaho: The segment from the Canadian border to its confluence with the Kootenai River.

(15) Obed, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.

(16) Penobscot, Maine: Its east and west branches.

(17) Pere Marquette, Michigan: The entire river.

(18) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville.

(19) Priest, Idaho: The entire main stem.

(20) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the east boundary of Terrell County on the United States side of the river: Provided, That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.

(21) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.

(22) Saint Joe, Idaho: The entire main stem.

(23) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.

(24) Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek; the Cascade River between its mouth and the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek; the Sauk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

(25) Suwannee, Georgia and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.

(26) Upper Iowa, Iowa: The entire river.

(27) Youghiogheny, Maryland and Pennsylvania: The segment from Oakland, Maryland, to the Youghiogheny Reservoir, and from the Youghiogheny Dam downstream to the town of Connellsville, Pennsylvania.

(b) The Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture shall proceed as expeditiously as possible to study each of the rivers named in subsection (a) of this section in order to determine whether it should be included in the national wild and scenic rivers system. Such studies shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within ten years from the date of this Act: Provided, however, That with respect to the Suwannee River, Georgia and Florida, and the Upper Iowa River, Iowa, such study shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within two years from the date of enactment of this Act. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments which, if undertaken, would render them unsuitable for inclusion in the national wild and scenic rivers system.

(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State, and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national wild and scenic rivers system.

(d) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

Sec. 6. (a) The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire lands and interests in land within the authorized boundaries of any component of the national wild and scenic rivers system designated in section 3 of this Act, or hereafter designated for inclusion in the system by Act of Congress, which is administered by

him, but he shall not acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation, and lands owned by an Indian tribe or a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

(b) If 50 percentum or more of the entire acreage within a federally administered wild, scenic or recreational river area is owned by the United States, by the State or States within which it lies, or by political subdivisions of those States, neither Secretary shall acquire fee title to any lands by condemnation under authority of this Act. Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.

(c) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village, or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act. In order to carry out the provisions of this subsection the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this Act. The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this Act, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

(d) The appropriate Secretary is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(e) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress in authorized to transfer to the appropriate secretary jurisdiction over such lands for

administration in accordance with the provisions of this Act. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

(f) The appropriate secretary is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national wild and scenic rivers system.

(g) (1) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition, may retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, or the death of either or both of them. The owner shall elect the term to be reserved. The appropriate Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(2) A right of use and occupancy retained pursuant to this subsection shall be subject to termination whenever the appropriate Secretary is given reasonable cause to find that such use and occupancy is being exercised in a manner which conflicts with the purposes of this Act. In the event of such a finding, the Secretary shall tender to the holder of that right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination. Such right of use or occupancy shall terminate by operation of law upon tender of the fair market price.

(3) The term "improved property", as used in this Act, means a detached, one-family dwelling (hereinafter referred to as "dwelling"), the construction of which was begun before January 1, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the appropriate Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

Sec. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources

project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval—

(i) during the five-year period following enactment of this Act unless, prior to the expiration of said period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, conclude that such river should not be included in the national wild and scenic rivers system and publish notice to that effect in the Federal Register, and

(ii) during such additional period thereafter as, in the case of any river which is recommended to the President and the Congress for inclusion in the national wild and scenic rivers system, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national wild and scenic rivers system under section 2(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second.

Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential wild, scenic or recreational river area on the date of approval of this Act. No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the

Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460l–5 et seq.).

Sec. 8. (a) All public lands within the authorized boundaries of any component of the national wild and scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act.

Sec. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national wild and scenic rivers system except that—

(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a wild river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance of leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included in the system.

Sec. 10. (a) Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

(b) Any portion of a component of the national wild and scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(c) Any component of the national wild and scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national wild and scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(d) The Secretary of Agriculture, in his administration of any component of the national wild and scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(e) The Federal agency charged with the administration of any component of the national wild and scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

Sec. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local wild, scenic and recreational river areas. He shall also, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such wild, scenic and recreational river areas.

(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them, assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such wild, scenic and recreational river areas.

Sec. 12. (a) The Secretary of the Interior, the Secretary of Agriculture, and heads of other Federal agencies shall review administrative and management policies, regulations, contracts, and plans affecting lands under their respective jurisdictions which include, border upon, or are adjacent to the rivers listed in subsection (a) of section 5 of this Act in order to determine what actions should be taken to protect such rivers during the period they are being considered for potential addition to the national wild and scenic rivers system. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

(c) The head of any agency administering a component of the national wild and scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

Sec. 13. (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety, administration, or public use and enjoyment and shall issue appropriate regulations after consultation with the wildlife agency of the State or States affected.

(b) The jurisdiction of the States and the United States over waters of any stream included in a national wild, scenic or recreational river area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the national wild and scenic rivers system shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(c) Designation of any stream or portion thereof as a national wild, scenic or recreational river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.

(d) The jurisdiction of the States over waters of any stream included in a national wild, scenic or recreational river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

(e) Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system.

(f) Nothing in this Act shall affect existing rights of any State, including the right of access, with respect to the beds of navigable streams, tributaries, or rivers (or segments thereof) located in a national wild, scenic or recreational river area.

(g) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national wild and scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: Provided, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act.

Sec. 14. The claim and allowance of the value of an easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

Sec. 15. As used in this Act, the term—

(a) "River" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.

(b) "Free-flowing", as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: Provided, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.

(c) "Scenic easement" means the right to control the use of land (including the air space above such land) for the purpose of protecting the scenic view from the river, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement.

Sec. 16. There are hereby authorized to be appropriated such sums as may be necessary, but not more than $17,000,000, for the acquisition of lands and interests in land under the provisions of this Act.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same with an amendment as follows:

Amend the title so as to read:

An Act to provide for a National Wild and Scenic Rivers System, and for other purposes.

And the House agree to the same.

WAYNE N. ASPINALL,
ROY A. TAYLOR,
HAROLD T. JOHNSON,
MORRIS UDALL,
ROBERT W. KASTENMEIER,
JOHN P. SAYLOR,
JOE SKUBITZ,
THEODORE R. KUPFERMAN,
Managers on the Part of the House.

HENRY M. JACKSON,
FRANK CHURCH,
GAYLORD NELSON,
THOMAS H. KUCHEL,
LEN B. JORDAN,
Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 119) an act to reserve certain public lands for a national wild and scenic rivers system, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes, submit this statement in explanation of the effect of the language recommended and adopted in the accompanying conference report.

The conference committee recommends adoption of an amendment in the nature of a substitute for the House amendment to S. 119. The House amendment struck out all after the enacting clause of S. 119 and inserted new language in its place. The conference committee substitute adopts the format and substance of the House amendment except as noted below.

Section 1.—The short title of the bill in section 1 is amended by deleting "National Scenic Rivers Act" and inserting "Wild and Scenic Rivers Act." This change is reflected at a number of places thereafter throughout the conference committee's recommended substitute and will not be further noted here. The declaration of policy in this same section is enlarged to include a portion of the Senate bill; viz, a declaration to the effect that the established national policy of developing rivers by construction of dams and other water resource projects needs to be complemented with a policy of preserving certain rivers in free-flowing condition.

Section 2.—A threefold classification of the components of the wild and scenic rivers system is retained but instead of being known as class I, class II, and class III rivers they will be known as wild rivers, scenic rivers, and recreational rivers.

Section 3.—Two rivers are added to the six of the House amendment in the "instant" category. These are the Middle Fork of the Feather River in California and the segment of the Eleven Point River in Missouri.

Section 4.—A provision is added to subsection (c) of this section to the effect that no new river shall be added to the wild and scenic rivers system by congressional action until the end of the first full session of the legislature of the State in which it is located which is held after a recommendation is made to the President for its inclusion.

Section 5.—Two rivers are deleted from the study category and four are added to it by the conference amendment. The two that are deleted are the Eleven Point in Missouri and the Middle Fork of the Feather in California which, as noted above, are recommended for inclusion in the "instant" category. The four that are added are portions of the Allegheny in Pennsylvania, the Little Beaver in Ohio, the Maumee in Ohio and Indiana, and the Youghiogheny in Maryland and Pennsylvania. As a result of these changes, the conference committee recommendation is that 27 rivers or parts of rivers be included

in the study category as compared with 28 in that category under the Senate bill and 25 in the House amendment. The period during which study of these rivers is to be conducted has been reduced from 15 years in the House amendment to 10.

The provision of subsection (c) of the House amendment forbidding the Secretaries of the Interior and Agriculture to undertake the study of any stream which a State is willing to study is modified to provide that, if a State requests a joint Federal-State study, the Secretary of the Interior or the Secretary of Agriculture, as is appropriate, shall comply with the request.

Section 6.—Limitations on the powers of the Secretary of the Interior and the Secretary of Agriculture to acquire land within a national wild, scenic, or recreational river area are recommended in the conference committee amendment:

(1) Fee title may be acquired for an average of no more than 100 acres per river-mile on both sides of the river, as contrasted with the permissible 320 acres in the House amendment.

(2) State-owned lands may be acquired only by donation.

(3) No land may be acquired by condemnation within the boundaries of an incorporated city, village, or borough which has an appropriate zoning ordinance in force. The Secretaries of the Interior and Agriculture will issue guidelines setting out the standards by which they will judge the appropriateness of such zoning ordinances.

(4) Exchanges of Federal land for non-Federal land are permitted only within the same State.

(5) Fee title may not be acquired by condemnation if 50 percent or more of the entire acreage within the unit of the national wild and scenic rivers system in question is already owned by the United States or by a State or political subdivision thereof, unless the condemnation action is necessary merely to clear title; that is, to remove outstanding encumbrances, to take care of the interests of missing heirs, and the like.

(6) Specific authority is given the two Secretaries to acquire scenic and other easements to assure public access to the river and to traverse the length of the area in cases where they would otherwise acquire fee title but are forbidden to do so by the provision just noted.

(7) A formula similar to that which has been employed in recent years in many recreational and seashore area acts is included the effect of which is to allow the owners of one-family dwellings, the construction of which was completed or begun before January 1, 1967, to elect, at the time the land on which these dwellings stand is acquired, to retain a right of use and occupancy for 25 years or for the lifetime of the owner or his spouse with an appropriate reduction in the purchase price.

Section 7.—This section is amended to make clear that water developments above or below a wild, scenic, or recreational river area which do not "unreasonably" diminish its values are not prohibited. In this connection, reference is made to the Skagit River. A revision of the bill in the House eliminated the portion of the stream above Bacon Creek in order clearly to permit Federal Power Commission consideration of potential developments there, particularly a proposed development near the mouth of Copper Creek. This revision has been

retained by the conference committee and is consistent with action heretofore taken by the Congress in connection with the North Cascades Park legislation (S. 1321, H.R. 8970).

Section 10.—Although no substantive amendment to section 10 of the House amendment is thought necessary by the conference committee, its members are agreed that the language of subsection (c) is not intended to make applicable to all units of the national scenic rivers system administered by the National Park Service the prohibition against hunting which prevails in most of the national parks and monuments. Section 13 covers this subject.

Section 13.—The last sentence of subsection (a) of this section is modified to allow the Secretary of the Interior and the Secretary of Agriculture to designate no-hunting areas and to establish no-hunting periods for reasons of public safety, administration or public use after consultation with the appropriate State wildlife agency. Subsections (b), (c), (d), (e), and (f), dealing with water rights, interstate compacts, and State access to the beds of rivers within the system are incorporated in the conference substitute from the original Senate bill and replaced other language which was in the House bill. Subsection (g) is modified by deleting certain language in the last clause and by making it clear that any conditions precedent required by the Secretary of the Interior and the Secretary of Agriculture in the granting of an easement or right-of-way under the present act must be related to fulfilling the purpose of the act and not to other possible policy considerations.

Section 15.—The definition of "conservation easement" in the House amendment is dropped and the definition of "scenic easement" in the Senate bill is substituted in its place.

Section 16.—The amount authorized to be appropriated for land acquisition has been reduced from $17,340,000 to $17 million, it being understood that if escalation of land prices or other unforeseen factors require the appropriation of more than this amount, the two Committees on Interior and Insular Affairs will be willing to consider such further legislation as is necessary to carry out the act.

WAYNE N. ASPINALL,
ROY A. TAYLOR,
HAROLD T. JOHNSON,
MORRIS K. UDALL,
ROBERT W. KASTENMEIER,
JOHN P. SAYLOR,
JOE SKUBITZ,
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Managers on the Part of the House.

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DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

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U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued September 26, 1968
For actions of September 25, 1968
90th-2nd; No. 157

CONTENTS

HIGHLIGHTS: House agreed to conference report recommending 1 year extension of farm program. House agreed to conference reports on food stamp and scenic rivers bills.

HOUSE

1. FARM PROGRAM. Agreed, 189-172, to the conference report on H. R. 17126, the farm bill. The conference substitute extends the Food and Agriculture Act of 1965 for 1 year and omits all other provisions of the House bill and of the Senate amendment (pp. H9056-7, H9069-80). Rep. Poage explained briefly the measures extended by the conference report (pp. H9069-70). This bill will now be sent to the President.

2. FOOD STAMPS. Agreed, 245-98, to the conference report on S. 3068, to continue authorizations for the Food Stamp Act of 1964. The revised bill extends the authorization through Dec. 1970. It authorizes $315 million for fiscal 1969, $340 million for fiscal 1970, and $170 million for the six months ending Dec. 31, 1970. It omits the provision making strikers and students ineligible under certain conditions and includes the House requirement for annual reports from this Department. pp. H9080-88

3. SCENIC RIVERS. Agreed to the conference report on S. 119, to reserve certain public lands for a national wild and scenic rivers system, to provide a procedure for adding additional public lands and other lands to the system. pp. H9088-90

4. EDUCATION. Received the conference report on S. 3769, the proposed Higher Education Amendments of 1968 (H. Rept. 1919). pp. H9031-55

The "Daily Digest" states that the conferees on H. R. 18366, the proposed Vocational Education Amendments of 1968, agreed to file a report. p. D869

Rep. Dorn called on HEW "to release funds to every school district in our country." p. H9094

5. OLDER AMERICANS. The Education and Labor Committee reported H. R. 19747, to strengthen and improve the Older Americans Act of 1965 (H. Rept. 1922). p. H9173

6. HEALTH. Received the conference report on H. R. 15758, to amend the Public Health Service Act to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, and to provide for specialized facilities for alcoholics and narcotic addicts (H. Rept. 1924). p. H9065-69

7. PARKING FACILITIES. Passed with amendment (to substitute the language of H. R. 17854) S. 944, the proposed District of Columbia Parking Facility Act. H. R. 17854, a similar bill, passed earlier was tabled. pp. H9058-65

8. HIDE IMPORTS. Rep. Nelsen stated farmers "are being booted by record imports of leather footwear, depriving them of their domestic hides market." p. H9095

9. SMALL BUSINESS; LOANS. Rep. Gross spoke in support of his bill which "would prevent Federal officials, especially those within the Small Business Administration, from drawing the curtain of secrecy over certain of their loans which, of course, are made with the public's money." pp. H9095-6

10. REDWOOD NATIONAL PARK. Rep. Clausen inserted a speech on the importance of the Redwood National Park to southern Oreg. pp. H9153-4

11. CONGRESSIONAL REFORM. Several members discussed the congressional reorganization bills and Rep. Cleveland stated there is still plenty of time to consider these bills. pp. H9126-49

12. REPORT. Rep. Evins, Tenn., inserted a summary of the major projects and accomplishments achieved during his tenure of office. pp. H9117-21

MOTION TO RECOMMIT OFFERED BY MR. TEAGUE OF CALIFORNIA

Mr. TEAGUE of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. TEAGUE of California. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Teague of California moves to recommit the conference report on S. 3068 to the Committee of Conference with instructions to the Managers on the part of the House to insist on the following provisions of the House amendment to such bill:

"Section 5(b) of such Act is amended by adding at the end thereof the following: "Notwithstanding any other provision of law, any person who is engaged in a strike, labor dispute, or voluntary work stoppage shall be ineligible to participate in any food stamp program established pursuant to this Act: *Provided,* That if any such person was eligible for and was receiving food stamp assistance pursuant to the provisions of this Act prior to the existence of a strike, labor dispute, or voluntary work stoppage, such person shall not be ineligible for participation in the food stamp program solely as a result of engaging in such strike, labor dispute, or voluntary work stoppage. Notwithstanding any other provision of law, any person who is a student attending an institution of higher learning shall be ineligible to participate in any food stamp program established pursuant to this Act: *Provided further,* That if any such person was eligible for and was receiving food stamp assistance pursuant to the provisions of this Act prior to being enrolled as a student at an institution of higher learning, such person shall not be ineligible for participation in the food stamp program solely as the result of being a student attending an institution of higher learning."

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. TEAGUE of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 158, nays 187, not voting 86, as follows:

[Roll No. 352]

YEAS—158

Abbitt
Abernethy
Adair
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Bates
Belcher
Berry
Betts
Bow
Bray
Brinkley
Brock
Brotzman
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson
Bush
Byrnes, Wis.
Cabell
Carter
Cederberg
Chamberlain
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Cramer
Davis, Wis.
Dellenback
Denney
Derwinski
Devine
Dole
Dorn
Dowdy
Downing
Duncan
Edwards, Ala.
Edwards, La.
Erlenborn
Esch
Eshleman
Findley
Ford, Gerald R.
Fountain
Fuqua
Galifianakis
Gardner
Gettys
Goodling
Griffin
Gross
Gubser
Hagan
Haley
Hall
Hammer-schmidt
Hardy
Harsha
Henderson
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Keith
King, N.Y.
Kleppe
Kornegay
Kuykendall
Kyl
Langen
Latta
Lennon
Lipscomb
Lloyd
McClory
McCloskey
McMillan
MacGregor
Mahon
Marsh
Martin
Mathias, Calif.
May
Mayne
Meskill
Michel
Miller, Ohio
Mize
Montgomery
Myers
Nelsen
Nichols
O'Neal, Ga.
Passman
Patman
Pirnie
Poff
Price, Tex.
Purcell
Quie
Quillen
Railsback
Reifel
Reinecke
Riegle
Roberts
Robison
Rogers, Fla.
Roth
Rumsfeld
Schadeberg
Scherle
Schneebell
Schwengel
Scott
Selden
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Smith, Okla.
Springer
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Tuck
Utt
Vander Jagt
Watkins
Watson
Whalley
Whitener
Whitten
Wiggins
Williams, Pa.
Wilson, Bob
Winn
Wyatt
Wylie
Wyman
Zion

NAYS—187

Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Annunzio
Barrett
Bennett
Bevill
Bingham
Blatnik
Boland
Bolton
Brademas
Brasco
Brooks
Brown, Mich.
Burke, Mass.
Burton, Calif.
Button
Byrne, Pa.
Cahill
Carey
Casey
Celler
Clark
Conable
Conte
Corbett
Culver
Cunningham
Daniels
de la Garza
Delaney
Dent
Diggs
Dingell
Donohue
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Everett
Fallon
Fascell
Feighan
Fino
Flood
Foley
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Garmatz
Gathings
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Hamilton
Hanley
Hanna
Harvey
Hathaway
Hechler, W. Va.
Helstoski
Hicks
Holifield
Horton
Howard
Hungate
Ichord
Irwin
Joelson
Johnson, Calif.
Jones, Ala.
Jones, Mo.
Karth
Kastenmeier
Kazen
Kee
Kelly
Kirwan
Kluczynski
Kupferman
Kyros
Long, Md.
McCarthy
McDade
McEwen
McFall
Macdonald, Mass.
Machen
Madden
Mathias, Md.
Matsunaga
Meeds
Miller, Calif.
Mills
Mink
Monagan
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Podell
Price, Ill.
Pryor
Pucinski
Randall
Rees
Reid, N.Y.
Reuss
Rhodes, Pa.
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roybal
Ruppe
St Germain
St. Onge
Sandman
Saylor
Scheuer
Shipley
Slack
Smith, Iowa
Stafford
Staggers
Stanton
Steed
Stubblefield
Sullivan
Tenzer
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Wampler
Whalen
White
Widnall
Wilson, Charles H.
Wolff
Wydler
Yates
Young
Zablocki
Zwach

NOT VOTING—86

Ashley
Ashmore
Aspinall
Baring
Battin
Bell
Biester
Blackburn
Blanton
Boggs
Bolling
Broomfield
Brown, Calif.
Brown, Ohio
Burton, Utah
Clancy
Cohelan
Conyers
Corman
Cowger
Curtis
Daddario
Davis, Ga.
Dawson
Dickinson
Dow
Evins, Tenn.
Farbstein
Fisher
Flynt
Ford, William D.
Gallagher
Gurney
Halleck
Halpern
Hansen, Idaho
Hansen, Wash.
Harrison
Hawkins
Hays
Hébert
Heckler, Mass.
Herlong
Hosmer
Hull
Jacobs
Karsten
King, Calif.
Laird
Landrum
Leggett
Long, La.
Lukens
McClure
McCulloch
McDonald, Mich.
Mailliard
Minish
Minshall
Moore
Nedzi
Pettis
Pollock
Rarick
Reid, Ill.
Resnick
Rhodes, Ariz.
Rivers
Rostenkowski
Roudebush
Ryan
Satterfield
Schweiker
Shriver
Sisk
Snyder
Stratton
Teague, Tex.
Thomson, Wis.
Tunney
Ullman
Waggonner
Walker
Watts
Willis
Wright

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Fisher for, with Mr. Minish against.

Mr. Satterfield for, with Mr. Leggett against

Mr. Ashmore for, with Mr. Moore against.

Mr. Flynt for, with Mr. Aspinall against.

Mr. Battin for, with Mrs. Heckler of Massachusetts against.

Mr. Brown of Ohio for, with Mr. Farbstein against.

Mr. Laird for, with Mr. Hull against.

Mr. Dickinson for, with Mr. Rostenkowski against.

Mr. Rhodes of Arizona for, with Mr. Stratton against.

Until further notice:

Mr. Cohelan with Mrs. Reid of Illinois.

Mr. Nedzi with Mr. Broomfield.

Mr. Evins of Tennessee with Mr. Maillard.

Mr. Rivers with Mr. Thomson of Wisconsin.

Mr. Ford, William D. with Mr. Gurney.

Mr. Hébert with Mr. Minshall.

Mr. Hawkins with Mr. Bell.

Mr. Long of Louisiana with Mr. McClure.

Mr. Teague of Texas with Mr. Hansen.

Mr. Jacobs with Mr. Burton of Utah.

Mr. Blanton with Mr. Blackburn.

Mr. Brown of California with Mr. McDonald of Michigan.

Mr. Daddario, with Mr. Clancy.

Mr. Davis of Georgia with Mr. Curtis.

Mrs. Hansen of Washington with Mr. Halleck.

Mr. Dow with Mr. Snyder.

Mr. Hays with Mr. Roudebush.

Mr. Gallagher with Mr. Conyers.

Mr. Sisk with Mr. Hansen of Idaho.

Mr. Ryan with Mr. Pollock.

Mr. Landrum with Mr. Lukens.

Mr. Watts with Mr. Halpern.

Mr. Wright with Mr. Hosmer.

Mr. Willis with Mr. Pettis.

Mr. Tunney with Mr. Schweiker.

Mr. Walker with Mr. Shriver.

Mr. King of California with McCulloch.

Mr. Wellman with Mr. Boggs.

Mr. Baring with Mr. Ashley.

Mr. Corman with Mr. Conyers.

Mr. Resnick with Mr. Dawson.

Mr. Rarick with Mr. Herlong.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the conference report.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 245, nays 98, not voting 88, as follows:

[Roll No. 353]

YEAS—245

Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ayres
Barrett
Bates
Bevill
Bingham
Blatnik
Boggs
Boland
Bolton
Bow
Brademas
Brasco
Brooks
Brotzman
Brown, Mich.
Burke, Mass.
Burton, Calif.
Button
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Carter
Casey
Celler
Clark
Clausen, Don H.
Cleveland
Conable
Conte
Corbett
Culver
Cunningham
Daniels
de la Garza
Delaney
Dent
Diggs
Dingell
Donohue
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Eshleman
Evans, Colo.
Everett
Fallon
Fascell
Flood
Foley
Ford, Gerald R.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Garmatz
Gathings
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hamilton
Hammer-schmidt
Hanley
Hanna
Hardy
Harsha
Harvey
Hathaway
Hechler, W. Va.
Helstoski
Hicks
Holifield
Horton
Howard
Hungate
Hunt
Ichord
Irwin
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Mo.
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
Kirwan
Kleppe
Kluczynski
Kupferman
Kuykendall
Kyl
Kyros
Langen
Latta
Long, Md.
McCarthy
McClory
McCloskey
McCulloch
McDade
McEwen
McFall
Macdonald, Mass.
MacGregor
Machen
Madden
Mahon
Matsunaga
May
Mayne
Meeds
Meskill
Miller, Calif.
Mills
Mink
Monagan
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Price, Ill.
Pryor
Purcell
Quie
Railsback
Randall
Rees
Reid, N.Y.
Reifel
Reuss
Rhodes, Pa.
Riegle
Robison
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roybal
Ruppe
Sandman
St Germain
St. Onge
Saylor
Schadeberg
Scherle
Scheuer
Schwengel
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Tenzer
Thompson, Ga.
Thompson, N.J.
Tiernan
Udall
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Whalen
Whalley
White
Whitten
Widnall
Williams, Pa.
Wilson, Charles H.
Wolff
Wyatt
Wylie
Wyman
Yates
Young
Zablocki
Zwach

NAYS—98

Abbitt
Abernethy
Adair
Andrews, Ala.
Arends
Ashbrook
Belcher
Bennett
Berry
Betts
Bray
Brinkley
Brock
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson
Burton, Utah
Bush
Cabell
Cederberg
Chamberlain
Clawson, Del
Collier
Collins
Colmer
Cramer
Davis, Wis.
Dellenback
Denney
Derwinski
Devine
Dole
Dorn
Dowdy
Downing
Edwards, Ala.
Erlenborn
Findley
Fountain
Fuqua
Galifianakis
Gardner
Gettys
Goodling
Gross
Hagan
Haley
Hall
Henderson
Hutchinson
Jarman
Jonas
Jones, N.C.
King, N.Y.
Kornegay
Lennon
Lipscomb
Lloyd
McMillan
Marsh
Martin
Mathias, Calif.
Michel
Miller, Ohio
Mize
Montgomery
Myers
Nichols
O'Neal, Ga.
Poff
Price, Tex.
Quillen
Reid, Ill.
Reinecke
Roberts
Rogers, Fla.
Roth
Rumsfeld
Schneebeli
Scott
Selden
Sikes
Smith, Calif.
Smith, Okla.
Steiger, Ariz.
Taft
Teague, Calif.
Tuck
Utt
Watson
Whitener
Wiggins
Wilson, Bob
Winn
Wydler
Zion

NOT VOTING—88

Ashley
Ashmore
Aspinall
Baring
Battin
Bell
Biester
Blackburn
Blanton
Bolling
Broomfield
Brown, Calif.
Brown, Ohio
Clancy
Cohelan
Conyers
Corman
Cowger
Curtis
Daddario
Davis, Ga.
Dawson
Dickinson
Dow
Evins, Tenn.
Farbstein
Feighan
Fino
Fisher
Flynt
Ford, William D.
Gallagher
Giaimo
Gurney
Halleck
Halpern
Hansen, Idaho
Hansen, Wash.
Harrison
Hawkins
Hays
Hébert
Heckler, Mass.
Herlong
Hosmer
Hull
Jacobs
Karsten
King, Calif.
Laird
Landrum
Leggett
Long, La.
Lukens
McClure
McDonald, Mich.
Mailliard
Mathias, Md.
Minish
Minshall
Moore
Nedzi
Pettis
Pollock
Pucinski
Rarick
Resnick
Rhodes, Ariz.
Rivers
Rostenkowski
Roudebush
Ryan
Satterfield
Schweiker
Shipley
Shriver
Sisk
Snyder
Stratton
Teague, Tex.
Thomson, Wis.
Tunney
Ullman
Van Deerlin
Walker
Watts
Willis
Wright

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Minish for, with Mr. Ashmore against.

Mr. William D. Ford for, with Mr. Fisher against.

Mr. Feighan for, with Mr. Satterfield against.

Mr. Laird for, with Mr. Battin against.

Mr. Broomfield for, with Mr. Brown of Ohio against.

Mr. Rhodes of Arizona for, with Mr. Pettis against.

Mr. Evins of Tennessee for, with Mr. Flynt against.

Until further notice:

Mr. Hébert with Mr. Shriver.

Mr. Walker with Mr. Roudebush.

Mr. Aspinall with Mr. Halpern.

Mr. Ashley with Mr. Clancy.

Mr. Cohelan with Mr. Bell.

Mr. Daddario with Mr. Hosmer.

Mr. Nedzi with Mr. Cowger.

Mr. Davis of Georgia with Mr. Mailliard.

Mr. Pucinski with Mr. Biester.

Mr. Rostenkowski with Mr. McDonald of Michigan.

Mr. Stratton with Mr. Fino.

Mr. Hull with Mr. Blackburn.

Mr. Willis with Mr. Lukens.

Mr. Teague of Texas with Mrs. Heckler of Massachusetts.

Mr. Blanton with Mr. Pollock.

Mr. Rivers with Mr. Halleck.

Mr. Jacobs with Mr. McClure.

Mr. Leggett with Mr. Dickinson.

Mr. Long of Louisiana with Mr. Hansen of Idaho.

Mr. Shipley with Mr. Gurney.

Mr. Hays with Mr. Curtis.

Mrs. Hansen of Washington with Mr. Snyder.

Mr. Sisk with Mr. Harrison.

Mr. Giaimo with Mr. Mathias of Maryland.

Mr. Gallagher with Mr. Minshall.

Mr. Van Deerlin with Mr. Moore.

Mr. Ullman with Mr. Schweiker.

Mr. Brown of California with Mr. Thomson of Wisconsin.

Mr. Baring with Mr. King of California.

Mr. Dow with Mr. Conyers.

Mr. Corman with Mr. Dawson.

Mr. Farbstein with Mr. Rarick.

Mr. Landrum with Mr. Karsten.

Mr. Wright with Mr. Watts.

Mr. Tunney with Mr. Hawkins.

Mr. Ryan with Mr. Resnick.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. GATHINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the conference report just passed.

The SPEAKER pro tempore (Mr. ALBERT). Without objection, it is so ordered.

There was no objection.

CONFERENCE REPORT ON S. 119, NATIONAL WILD AND SCENIC RIVERS SYSTEM

Mr. TAYLOR. Mr. Speaker, I call up the conference report on the bill (S. 119) to reserve certain public lands for a national wild and scenic rivers system, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 24, 1968.)

Mr. TAYLOR (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I hope I will not have to object, I take it that the gentleman will take a minute or two or three to explain what transpired in the conference.

Mr. TAYLOR. The gentleman is correct. I will be glad to explain the basic changes.

Mr. GROSS. And yield perhaps for a question or two?

Mr. TAYLOR. The gentleman is correct.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to

the request of the gentleman from North Carolina?

There was no objection.

Mr. TAYLOR. Mr. Speaker, the report of the committee of conference on S. 119 and the statement of the managers on the part of the House which accompanies this report make quite clear the nature of the amendment which the conference committee recommends to the House of Representatives and the Senate, so I shall not go into great detail.

In general, the language of the House bill was followed in the report and several provisions of the Senate bill were included as amendments.

Members will recall the bill, as it passed the House, listed six rivers for immediate inclusion in the scenic rivers system and 25 more for study. The conference committee recommends that two of the rivers which were in the study category be added to the "instant" class. These are the Middle Fork of the Feather River in California, and that portion of the Eleven Point which is in Missouri. This makes a total of eight rivers in this class. The conference committee also recommends that four rivers be added to the study category. These are, first, the Maumee in Ohio and Indiana, including its tributaries in Indiana but excluding its tributaries in Ohio; second, the Little Beaver in Ohio; third, the Youghiogheny in Pennsylvania and Maryland; and, fourth, a part of the Allegheny in Pennsylvania. Thus there are now 27 rivers in the study class, as compared with the 28 that were in the original Senate bill and the 25 that were in the House amendment to that bill.

The conference committee also recommends that the river system be known officially as the national wild and scenic rivers system instead of, the national scenic rivers system. All rivers and parts of rivers included in the system will be classified as either wild rivers, scenic rivers, or recreational rivers. We believe these names will be more informative than the bare "class I," "class II," and "class III" titles that were in the House amendment. I may add that different sections of the same river may very well fall within different classes. Thus the upper reaches of some rivers may turn out to be properly classifiable as "wild" and the lower stretches as "scenic" or "recreational."

The period allowed for study of the entire group of 27 rivers has been reduced by the conference committee from 15 to 10 years. The 2-year study period for the Suwanee and the Little Miami which was added on the Floor of the House, however, has been retained.

In the House bill, the Secretary of the Interior or the Secretary of Agriculture would have been authorized to acquire as much as an average of 320 acres per river mile in fee or by way of easement. The conference committee recommends that fee acquisitions be limited to 100 acres per mile, with the remainder of the permissible acreage protected through scenic easements. This should result in a considerable saving of cost.

The conference committee report prohibits the condemnation of State-owned lands and provides that they may be acquired only by donation. It also prohibits the condemnation of fee title to any land if 50 percent of the area within a unit of the wild and scenic rivers system is already in public ownership, but allows the acquisition of scenic easements and other necessary rights for access and trails along the river.

Likewise, we have incorporated in the bill the provisions of what has come to be known as the "Cape Cod" formula—namely, that an owner of land may, at the time it is acquired by the Government, elect to retain a right of use and occupancy of his dwelling house and a limited acreage surrounding it for life or for a term of not more than 25 years at his election. This should also reduce the cost of the program.

Finally, the conference committee recommends a reduction of the amount authorized to be appropriated for land acquisition from $17,340,000 to $17,000,000.

Mr. Speaker, I believe this covers most of the important differences between the House-passed bill and the measure recommended by the conference committee. The bill is substantially in the form approved by the House, and I believe the changes made improved the bill, rather than injured it. I believe that the Members who supported this legislation originally will support the conference report, and I urge a favorable vote on it.

Mr. KARTH. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman from Minnesota.

(Mr. KARTH asked and was given permission to revise and extend his remarks.)

Mr. KARTH. Mr. Speaker, I commend the House conferees. This is one of the great pieces of legislation that has come before this Congress in this year. I urge support of the conference report.

Mr. Speaker, this is indeed an historic day. Today the Congress of the United States has decreed that our children, our children's children, and all of posterity, shall enjoy some of this Nations' rapidly diminishing wild and scenic rivers.

I am gratified that we have finally faced up to the incontrovertible fact that some of these natural resources must be protected and saved; saved from pollution, polluting industrialization, and total destruction.

The Upper St. Croix River Valley is an unspoiled wilderness area. It is within 40 minutes driving time of 2 million people. There is no other comparable wilderness area within hundreds of miles. Today the wildlife of yesteryear is still there. The river bed is unspoiled. The surrounding area is beautifully picturesque. It has been a challenge to me for several years to save this river and it is we who must.

The young and yet unborn cannot vote here today. We must cast their vote for them. Let us do it now.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I understand all amendments to the bill are germane. Is that correct?

Mr. TAYLOR. That is correct.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman from Pennsylvania.

(Mr. SAYLOR asked and was given permission to revise and extend his remarks.)

Mr. SAYLOR. Mr. Speaker, I rise in support of the conference report on S. 119, an act to reserve certain public lands for a national wild and scenic rivers system, to provide a procedure for adding additional public lands to the system, and for other purposes.

Similar legislation, H.R. 18260, was considered and passed by the House on September 12, 1968, by a vote of 265 yeas to 7 nays. As one of the sponsors of this legislation in the House, I regret that I was unable to be present to cast my yea vote for this legislation, due to a death in my family. I take this opportunity to thank my colleagues for their overwhelming vote in passing the House bill.

I strongly endorse the recommendation of the conference committee which struck all after the enacting clause of S. 119 and adopted the format and substance of the House-passed bill with an amendment in the nature of a substitute for the House language. The amendment adopted by the conference committee is indeed an improvement on the legislation.

The bill as recommended by the conference committee deletes the title, "National Scenic Rivers Act of 1968" and provides a new short title to be the "Wild and Scenic Rivers Act."

Of course, more important to the Members of the House are the provisions of the bill concerning the rivers to be included in the wild and scenic rivers system. The conference committee added two rivers, the Eleven Point River in Missouri, and the Middle Fork of the Feather River in California to the six rivers comprising the initial components of the national wild and scenic rivers system.

In section 5 of the bill the conference committee deleted two rivers and added four rivers to be studied. The rivers deleted are the two rivers placed among the initial components of the system. The rivers added for study are the Allegheny in Pennsylvania, the Little Beaver in Ohio, the Maumee in Ohio and Indiana and the Youghiogheny in Maryland and Pennsylvania. Thus the conference committee reduced the number of rivers to be studied for possible inclusion into the system at this time from 28 to 27.

The conference committee amendment deletes the numerical classification of the rivers to comprise the system and adopts the more descriptive classifications of "wild river areas," "scenic river areas," and "recreational river areas."

Another important feature of the conference committee amendment is the limitation adopted on the acquisition of lands and interests in lands for the purposes of the act. Originally the House version permitted acquisition of an average of not more than 320 acres per mile on both sides of the river to establish the boundaries of the wild, scenic or recreational river area. The conference committee limits the acquisition of fee title to an average of not more than 100 acres per mile on both sides of the river. The

conference committee also limited the right to acquire lands and interests in land by condemnation where 50 percent or more of the lands within a river area are already in public ownership.

The committee of conference also reduced the amount authorized to be appropriated for land acquisition from $17,340,000 to $17,000,000.

Mr. Speaker, other changes in the bill adopted by the conference committee amendment go a long way in making the establishment and future administration of a national wild and scenic rivers system an important part of our American heritage. In the approximately 100,000 miles of rivers and tributaries in the United States with an average flow of at least 550 cubic feet per second, only a few remain relatively unspoiled in a wild or scenic state.

We have harnessed the waters of our Nation's rivers for trade and commerce, travel and recreation, to control floods, to increase farm production, to generate electric power and many other purposes. It is time, Mr. Speaker, that we attempt to preserve, reclaim, and guarantee to America her heritage of unspoiled, unpolluted, free-flowing rivers for the benefit and enjoyment of present and future generations of Americans.

Mr. Speaker, I urge the adoption of the conference report.

Mr. Speaker, for the purpose of clarification, I would like to ask the chairman of the subcommittee one question with respect to section 13(g) of the conference report which relates to the granting of rights-of-way by the Secretary of the Interior or the Secretary of Agriculture across components of the national wild and scenic rivers system.

The conference committee adopted the House language in section 13(g) which states that any conditions contained in easements and rights-of-way shall be only conditions which are related to the policy and purposes of this act but deleted the reference to the regulations issued in 1963 relating to the granting of rights-of-way for power transmission lines. These are the regulations which provide that non-Federal builders of new powerlines crossing public lands must agree to share their transmission facilities with the Federal Government as a condition for rights-of-way, and provide, in addition, that application for right-of-way will not be approved by the Goverment if building of the tranmsission line is determined to be in conflict with the Federal power marketing program, whatever that means.

The adoption of these regulations in 1963 was a matter of great controversy and the regulations have remained a matter of controversy since that time. When this legislation to establish a national wild and scenic rivers system was before the Committee, we sought to avoid controversy by putting in the provision that any conditions contained in easements and rights-of-way across components of the wild and scenic rivers system would be related only to the purposes of this act and would not be based upon the regulations I have referred to. In the committee of conference the reference to the 1963 regulations was deleted as surplusage and unnecessary, and I would like to have the chairman of the subcommittee confirm this for the record.

Mr. TAYLOR. The gentleman is correct. The language retained in the conference report provides that any conditions contained in easements and rights-of-way granted upon, over, under, across, or along, any component of the national wild and scenic rivers system shall be related to the policy and purpose of the wild and scenic rivers act. The statement of the managers on the part of the house says that:

> Subsection (g) is modified by deleting certain language in the last clause and by making it clear that any conditions precedent required by the Secretary of the Interior and the Secretary of Agriculture in the granting of an easement or right-of-way under the present act must be related to fulfilling the purpose of the act and not to other possible policy considerations.

In other words, it did not seem to the conference committee necessary to include in the conference version of the legislation a corollary to that statement—that is, that such easements and rights-of-way shall not be based upon existing regulations which might call for the inclusion of conditions not related to the wild and scenic rivers act itself. This fact seemed obvious and the language was stricken as surplusage.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, when the bill was before the House, the sponsors of the bill seemed quite firm about 328 acres per mile. As I understand the gentleman, that has been reduced to 100 acres per mile. Is that correct?

Mr. TAYLOR. Mr. Speaker, that is correct. It has been reduced to 100 acres per mile. The scenic easement can be taken for the full 328 acres as necessary.

Mr. GROSS. Mr. Speaker, may I ask what changed the mind of the House Members so quickly on something they were quite firm about when the bill was before the House a few days ago?

Mr. TAYLOR. Mr. Speaker, after discussing the matter with representatives of the other committee and studying it carefully and in an effort to save costs, we thought, by getting the additional scenic easements, the 100 acres per mile would be satisfactory.

Mr. GROSS. I assume that you had studied it very carefully before it ever came to the House floor, much less after you got into conference for a couple of hours, or whatever the time was.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I am glad to yield to the gentleman from Iowa.

Mr. KYL. Following the question of the gentleman from Pennsylvania I should like to make one point completely clear. Is this a proper statement: There is nothing in this legislation which gives the Federal Power Commission any authority to create any regulations relative to the transmission of electricity or Federal policy pertaining thereto; this legislation deals only with the matter of conservation of resources?

Mr. TAYLOR. The gentleman is correct.

Mr. KYL. I thank the gentleman.

Mr. MACGREGOR. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I am glad to yield to the gentleman from Minnesota.

Mr. MACGREGOR. I should like to commend the managers on the part of the House for the expeditious way in which they have reached agreement on this bill and have brought this conference report to the House for adoption.

On September 10, just 2 weeks and 1 day ago, the distinguished Committee on Rules saw fit to grant a rule making in order the consideration of the scenic rivers bill. On September 12, just 2 days after the Rules Committee granted that rule, the House acted to pass the scenic rivers bill.

Now, less than 2 weeks later, we have before us the conference report with the favorable statement of the managers on the part of the House.

I should like to have my colleagues appreciate that although the hour is late this House, and indeed this Congress, can act through the appropriate and regular procedures; namely, the Rules Committee granting a rule, the House of Representatives debating the matter and deciding it, a committee of conference being appointed, and that committee of conference reaching agreement and the House taking final action, which I expect it will do very shortly to approve the conference report. We see the normal procedures of the House of Representatives working on this very important matter in the overall space of 15 days from the granting of a rule by the Rules Committee to final adoption by the House of Representatives.

Surely, Mr. Speaker, we will be in session another 2 or 3 weeks. Remaining items of importance are before the Rules Committee. Hopefully, the progress made on this bill, the wild and scenic rivers bill, can be used as a model for action on other important matters such as election reform and congressional reorganization so that this House might work its will and we might make progress, as we do now on this bill.

Mr. TAYLOR. I thank the gentleman for his comments.

Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS RESOLUTION TO LIQUIDATE MILITARY INVOLVEMENT IN VIETNAM

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, the year 1968 has been one in which the Congress has begun to play a role in shaping U.S. policy in Vietnam.

I am sure my colleagues recall the dramatic series of events that began on

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Issued September 27, 1968
For actions of September 26, 1968
90th-2nd; No. 158

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HIGHLIGHTS: Senate agreed to conference report on food stamp bill. Senate agreed to conference report on scenic rivers bill. House passed continuing appropriations resolution.

SENATE

1. FOOD STAMPS. Agreed to the conference report on S. 3068, which authorizes $315 million for the food stamp program for the fiscal year 1969, $340 million for 1970, and $170 million for the first half of 1971. This bill will now sent to the President. p. S11516

2. SCENIC RIVERS. Agreed to the conference report on S. 119, to reserve certain public lands for a national wild and scenic rivers system. This bill will now be sent to the President. pp. S11513-6

3. MEAT IMPORTS. Sen. Hruska asked for additional meat-import controls and inserted correspondence of himself, the American National Cattlemen's Association, and Raymond A. Ioanes (FAS). pp. S11468-9

4. WEATHER CONTROL. Both Houses received from the President a report on the weather-control program. pp. S11469-70, H9181-2

5. FOREIGN AID. Sen. Ellender defended his foreign-aid inspection trips and his use of the USDA motion picture service in this connection. pp. S11488-90

6. HUNGER; RURAL LIFE. Sen. Javits inserted his annual report including items on feeding the hungry and rural life. pp. S11502-6
Sen. Proxmire recommended S. Con. Res. 80, which calls for additional aid in Biafra (pp. S11523-4). Sen. Hart announced additional cosponsors of the measure (p. S11528).

7. JOB CORPS. Sen. Javits inserted an article questioning some results of the Job Corps. pp. S11506-7

8. RENEGOTIATION. Conferees were appointed on H. R. 17324, to extend and amend the Renegotiation Act of 1951. House conferees have been appointed. p. S11512

9. LAND MANAGEMENT. Sen. McGee inserted a statement by Sen. Bartlett praising the work of the Bureau of Land Management in Alaska. pp. S11516-7

10. METRIC SYSTEM. Sen. Pell commended approval of the bill to provide for a study of the metric system and inserted a statement by the Metric Association. pp. S11518-9

11. ELECTRIFICATION; NATURAL RESOURCES. Sen. Burdick inserted resolutions of the Energy and Natural Resources Committee of the Consumer Federation. pp. S11521-2

12. WATER POLLUTION. Sen. Mondale inserted an editorial favoring water-pollution control in small lakes. p. S11523

13. RECLAMATION. The Interior and Insular Affairs Committee reported without amendment H. R. 5117, to authorize Interior to construct, operate, and maintain stage 1 and to acquire lands for stage 2 of the Palmetto Bend reclamation project, Tex. (S. Rept. 1591). p. S11525

14. TAXATION. Sen. Williams, Del., submitted an amendment which he intends to propose to H. R. 2767, to allow a farmer an amortized deduction from gross income for assessments levied by soil or water conservation or drainage projects. p. S11528

HOUSE

15. GUAM. The Interior and Insular Affairs Committee reported with amendment H. R. 15151, to promote the economic development of Guam (H. Rept. 1930). p. H9251

16. NOXIOUS PLANTS. The Agriculture Committee reported without amendment S. 2671, to provide for the control of noxious plants on land under the control or jurisdiction of the Federal Government (H. Rept. 1931). p. H9251

Mr. WILLIAMS of Delaware, and Mr. CARLSON conferees on the part of the Senate.

NATIONAL WILD AND SCENIC RIVERS SYSTEM—CONFERENCE REPORT

Mr. NELSON. Mr. President, as in legislative session, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 119) to reserve certain public lands for a national wild and scenic rivers system, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. LONG of Louisiana in the chair). The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of September 24, 1968, pp. H9023–H9027, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. NELSON. Mr. President, on behalf of the distinguished chairman of the Interior Committee, the Senator from Washington [Mr. JACKSON], and the Senator from Idaho [Mr. CHURCH], I bring up the conference report on S. 119, the Wild and Scenic Rivers Act.

Passage of this bill represents a significant step forward in our efforts to broaden our national recreational program and is perhaps the most important piece of conservation legislation to come out of the 90th Congress.

The concept of national scenic and wild rivers is new. When these river areas are ultimately developed, they will provide opportunities for all kinds of boating, hiking, camping, picnicking, and nature study. I am confident that in a short period of time these river areas will be a popular as our national parks are at the present time.

It is encouraging to see the Congress move forward as dramatically as it has in this session to diversify and expand the national recreational program. The 90th Congress will be recognized as a great conservation Congress for establishing national systems of trails and wild and scenic rivers, for creating two significant national parks—the Redwoods National Park and the North Cascades National Park—and for increasing the revenues for the land and water conservation fund.

I would like to commend both Senator JACKSON and Senator CHURCH for the leadership they have provided in the Senate Interior Committee for this bill and for their continued efforts to preserve some of our great free-flowing rivers. Their efforts have led us to this important moment.

The bill agreed upon by the conferees is basically quite similar to the bill that passed unanimously by the Senate on August 8, 1967.

The Senate bill did contain a twofold classification of rivers; namely, wild and scenic. The House version recognized three classes of rivers; the House provision was accepted with a Senate amendment which named the three classes of rivers wild, scenic, and recreational.

Regarding rivers named for immediate inclusion in the national system the original Senate bill recommended—in addition to those rivers included in the House bill—immediate inclusion of the Eleven Point River in Missouri, the Illinois River in Oregon, and the lower St. Croix River in Wisconsin and Minnesota. The House agreed to include the Eleven Point in the immediate inclusion section; the Senate receded on the lower St. Croix and the Illinois River. The Middle Fork of the Feather River in California which was included in the study section of both the Senate and the House bills was added to the immediate inclusion class by the conferees based on the information that studies on this river were complete and it was well qualified to be a part of the national system.

The bill also recommends 27 rivers for study for possible future inclusion in the system. The House had recommended for study five rivers—the Obed in Tennessee, and the Bruneau, Myoie, St. Joe, and Priest Rivers in Idaho—which were not in the Senate bill. The Senate conferees accepted all of these rivers as study rivers.

There were nine study rivers in the Senate bill which were not included in the House bill. Of these, the House conferees agreed to include for study four rivers—the Allegheny in Pennsylvania, the Little Beaver in Ohio, the Youghiogheny in Maryland and Pennsylvania, and the Maumee in Ohio and Indiana. The Senate conferees receded on the other rivers.

The description of the reach of the Skagit River in Washington—subsection 5(a), No. 24—to be included in the study category has been revised from that included in the Senate version of the bill to exclude the reach of the Skagit River upstream of Bacon Creek. This revision is intended to permit the Federal Power Commission to consider applications for developments in the reach of the river just upstream of the study area, particularly the Copper Creek dam site. This revision is in accord with the provisions of the legislation establishing the North Cascades National Park which includes the same segment of the Skagit in the Ross Lake National Recreation Area, thus retaining the jurisdiction of the Federal Power Commission.

Studies on rivers for possible future inclusion in the national system must be completed within 10 years with the exception of the Suwannee River in Georgia and Florida and the Upper Iowa River in Iowa where the studies must be completed within 2 years.

The House conferees agreed to accept the Senate provisions regarding condemnation. Fee title may be acquired for an average of no more than 100 acres per river mile on both sides of the river as opposed to 320 acres per river mile which the House bill recommended. The boundaries of the river areas may not exceed 320 acres per river mile. Control of the remaining acreage will be accomplished through easements and zoning.

Fee title may not be acquired by condemnation if 50 percent or more of the entire acreage within the unit of the national wild and scenic rivers system in question is already owned by the United States or by a State or political subdivision thereof, unless the condemnation action is necessary merely to clear title, that is, to remove outstanding encumbrances, to take care of the interests of missing heirs, and the like.

Specific authority is given to acquire scenic and other easements to assure public access to the river and to traverse the length of the area in cases where they would otherwise acquire fee title but are forbidden to do so by the provision just noted.

A formula similar to that which has been employed in recent years in many recreational and seashore area acts is included the effect of which is to allow the owners of one-family dwellings, the construction of which was completed or begun before January 1, 1967, to elect, at the time the land on which these dwellings stand is acquired, to retain a right of use and occupancy for 25 years or for the lifetime of the owner or his spouse with an appropriate reduction in the purchase price.

The committee does not intend that the Secretary of Interior under the provisions of subsection 10(c) shall seek to apply throughout the national river system the restrictive provisions of the acts under which national parks and national wildlife refuges are administered. The intent of this subsection is to retain the more restrictive provisions in those areas which are already administered as national parks and national wildlife refuges. In other areas, the committee expects that the provisions of this act or of those acts governing the administration of national recreation areas will apply. We are assuming, of course, that all areas outside the boundaries of the wildlife refuges which are under the jurisdiction of the Secretary of Interior will be administered by the National Park Service.

Language from the Senate bill regarding water rights, interstate compacts, and State access to the beds of rivers within the system was incorporated into the conference substitute.

The amount authorized to be appropriated for land acquisition is $17 million, it being understood that if escalation of land prices or other unforeseen factors require the appropriation of more than this amount, the two Committees on Interior and Insular Affairs will be willing to consider such further legislation as is necessary to carry out the act.

Mr. President, I move that the conference report be agreed to.

The conference report was agreed to.

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the RECORD a section-by-section analysis of S. 119.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF S. 119

Section 1: This section would declare a national policy to protect certain rivers in the United States for the benefit and enjoyment of present and future generations. Those rivers which possess outstanding scenic, recreational, geologic, fish and wildlife, historic, cultural, or similar values, shall be preserved in free-flowing condition. It also would declare that our national policy of dam and other construction on riverways must be complemented by a policy that preserves some of these rivers or portions thereof in a condition free of impoundments, diversion structures, and other projects that utilize the water for various purposes, to protect water quality and to fulfill our conservation objectives. This legislation will implement that policy by establishing a National Wild and Scenic Rivers System.

Section 2: Subsection (a) would provide for the authorization by Congress or the designation by the several States, with the approval of the Secretary of the Interior, of rivers to be part of the national wild and scenic rivers system. Rivers designated by a State and approved by the Secretary shall be administered by the State, a political subdivision, or agency without expense to the United States. Grants made to the States for land acquisition and development under the Land and Water Conservation Fund Act could, however, be used for such rivers. In order for a State to designate a river as a part of the system, the Secretary of the Interior must find, after application by the Governor of the State, that the river meets the criteria of the Act and such supplementary criteria that the Secretary may prescribe.

Subsection (b) recognizes three classifications within the designation of national wild and scenic rivers. The first is wild river areas which are free of impoundments and generally inaccessible except by trail. These rivers or sections thereof are essentially primitive and contain essentially unpolluted waters.

The second classification is scenic river areas which are free of impoundments, with shorelines or watersheds which are largely primitive and shorelines largely undeveloped but accessible in places by roads.

The third classification is recreational river areas which are readily accessible by road or railroad and which may have some development, or have undergone some impoundment or diversion in the past.

Section 3: This section would designate for immediate inclusion in the system the following rivers or parts thereof:

1. Clearwater, Middle Fork, Idaho. (part)
2. Eleven Point, Missouri. (part)
3. Feather, California. (entire)
4. Rio Grande, New Mexico. (part)
5. Rogue, Oregon. (part)
6. St. Croix, Minnesota and Wisconsin. (part)
7. Salmon, Middle Fork, Idaho. (part)
8. Wolf, Wisconsin. (part)

In regard to the St. Croix River, the Northern States Power Company, which owns substantially all of the shoreline between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, has indicated a willingness to donate necessary interests in some of these lands to be administered by Interior. The bill would provide that no funds may be expended for land acquisition or development of this area until the expiration of 60 days after Interior transmits to the Congress a proposed cooperative agreement between the power company and the United States, under which the company agrees to convey without cost appropriate interests in these lands, including all of the company's interest to approximately 100 acres per mile.

With respect to the company's remaining ownership of lands adjacent to the lands which may be conveyed to the United States, under the cooperative agreement, such lands will be used and developed by the company in a manner consistent with the purposes of the Act. It is anticipated that the Secretary of the Interior will provide technical assistance to the company in developing these lands.

Subsection (b) would require that the Secretary of Agriculture or the Secretary of the Interior, as the case may be, establish, with 1 year, the boundaries of the designated rivers or parts thereof, determine which of the three classifications in subsection 2(b) best fits the river, and prepare necessary development plans. The boundaries shall include an average of not more than 320 acres per mile on both sides of the river.

Section 4: This section would require the Secretary of the Interior or the Secretary of Agriculture, where national forest lands are involved, or both Secretaries, if appropriate, to study other rivers for the purpose of their inclusion within the system, if, in the judgment of either Secretary or both, the river falls into one or more of the classifications set out in subsection 2(b). Such studies shall be coordinated with any water resources planning involving the same river which is being conducted under the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. sec. 1962 *et seq.*).

The report on each proposal shall include maps and illustrations, including the area covered by the proposal, the characteristics of the area which make inclusion of the area in the system desirable, the current status of landownership and use in the area, the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the system, the Federal agency which would administer the area (which in the case of a river which is wholly or substantially within a national forest shall be the Department of Agriculture), the extent to which it is proposed that administration, including the costs be shared by State and local agencies, and the estimated costs to the United States of acquiring necessary lands and interest in land and of administering the area as a part of the system.

Subsection (b) provides that before being sent to Congress, the report shall be circulated among various Federal agencies and, unless the lands involved are already owned by the United States or acquisition is already authorized, by the Governor of the State involved or his designee. Any recommendations or comments made by the above officials shall be made within 90 days of receipt of the report and such recommendations and comments shall be included in the report which will be transmitted to the President and Congress.

No river or part thereof shall be added to the system after enactment of this bill until the close of the next full session of the State legislature, or legislatures in case more than one State is involved, which begins following the submission of any recommendation to the President with respect to such addition as set out in the bill.

Subsection (c) provides that when a State proposes to designate a river for inclusion into the system, the Secretary of the Interior shall circulate the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any affected Federal department or agency. Each agency will furnish the Secretary of the Interior with its recommendations and comments within 90 days after receipt of the proposal. The Secretary shall evaluate and give due weight to any recommendations or comments received.

Section 5: This section lists 27 rivers or parts thereof for potential additions to the system. Subsection (b) permits the Secretary of the Interior, or the Secretary of Agriculture if national forest lands are involved, to study these 27 areas as expeditiously as possible for inclusion into the system. The studies are to be completed and reports made to the President and Congress within 10 years of enactment of the bill, except for studies and reports on the Suwanee River, Georgia and Florida, and the Upper Iowa River, Iowa, These studies and reports shall be completed and sent to the President and Congress within 2 years from the date of enactment.

The Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers where there is the greatest likelihood of development which, if undertaken, would render that river unsuitable for inclusion in the system.

Subsection (c) seeks close cooperation between the Federal and State governments on the study of the 27 proposed additions to the system and provides for a joint study if the State requests. In any event, the study shall determine the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the system.

Subsection (d) provides that in considering additions to the system and all river basin and project plan reports to the Congress, there shall be taken into account plans for the use and development of water and related land resources in the study area. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which wild, scenic, and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

Section 6: Subsection (a) of section 6 would give the Secretary of the Interior and the Secretary of Agriculture authority, within the exterior boundaries of a wild and scenic river or portion thereof under his administration, to acquire lands and waters or interests therein, but neither Secretary is authorized to acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation. Land owned by an Indian tribe or political subdivision cannot be acquired without their consent unless they fail to follow a plan for management and protection of the lands acceptable to the Secretary of the Interior to provide for the protection of the land and assure the land's use for purposes consistent with the bill.

Subsection (b) provides that if 50 percentum or more of the land within an area is owned (1) by the United States, (2) by a State, or (3) by a political subdivision of the State, neither Secretary shall acquire fee title to any remaining lands in that area by condemnation. Condemnations to clear title, to acquire scenic easements, or reasonable right-of-way easements are expected from the general prohibitions.

Subsection (c) would prohibit both the Secretary of the Interior or the Secretary of Agriculture from acquiring lands by condemnation if such lands are located within any incorporated city, village, or borough, and such city, village, or borough has in force and applicable to such lands a duly adopted valid zoning ordinance that conforms with the purpose of the Act. Provision is made for the appropriate Secretary to issue guidelines which will spell out the standards for local zoning ordinances which are consistent with the purposes of the bill. The objective of the guidelines will be to (1) prohibit new commercial or industrial uses which are inconsistent with the purposes of the bill, and (2) protect the bank lands by means of acreage, frontage, and setback requirements on development.

Subsection (d) would authorize the appropriate Secretary to acquire non-Federal property for purposes of the system by exchange of certain Federal lands under his

jurisdiction and located within the State in which the component lies that is classified as suitable for exchange or other disposal. The value of the exchanged lands shall be approximately equal, or shall be equalized by the payment of cash to the grantor or Secretary as the case may be.

Subsection (e) would authorize the transfer to the appropriate Secretary any federally owned property administered by another Federal agency which is within the park boundaries. Land acquired or transferred, under this subsection, to the administrative jurisdiction of the Secretary of Agriculture shall become national forest lands if it is within or adjacent to a national forest.

Subsection (f) authorizes the appropriate Secretary to accept donations of land and interests in lands, funds, and other property for use in connection with his administration of the system.

Subsection (g) provides that where land is acquired under the provisions of this Act, the owner of improved property may retain, as a condition to the acquisition, a right of use and occupancy for noncommercial, residential purposes for a term of not to exceed 25 years or in lieu thereof for a term ending at the death of the owner or his spouse, whichever is later. The right retained shall be subject to termination by the appropriate Secretary upon a determination that the property is being used in a manner inconsistent with the purposes of the Act. If the appropriate Secretary makes this determination, the retained right shall terminate by operation of law when the appropriate Secretary notifies the holder of the right of the determination and tenders him the fair market value of the right.

The term "improved property" as used in the previous section means a detached, noncommercial, residential dwelling, the construction of which was begun before January 1, 1967, together with so much of the land on which the dwelling is located as is reasonably necessary for its enjoyment.

Section 7(a): This section specifically prohibits the issuance by the Federal Power Commission of a license to build any impoundment, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river designated under section 3 of the Act as part of the System. It also directs that other Federal agencies shall not assist by loan, grant, license, or otherwise in the construction of any water resources project which would have both a direct and adverse effect on the values of such designated river. The Secretary administering the designated river is responsible for determining whether such project would directly affect the designated river, in the case of an FPC license, and whether such project would have a direct and adverse effect on the river, in the case of projects constructed with the assistance of another Federal agency or under such agency's license or permit. The term "water resources project," as used in this section, should be broadly construed to include any project that impounds, diverts and returns, or otherwise utilizes water in the river for various purposes with Federal assistance or under a Federal license that could directly and adversely affect the river. Your conferees wanted to make it clear that these prohibitions do not apply to upstream or downstream projects which will not unreasonably diminish the values of the river in existence on enactment. In some cases, these developments could be permitted if the applicant for the license, etc., includes some safeguards or other features in the project to prevent such adverse effects.

This section also provides further protection by requiring any Federal agency that intends to seek an authorization or an appropriation to construct a water resources project which would, as determined by Interior or Agriculture, as appropriate, have an adverse effect on the river to advise the appropriate Secretary at least 60 days beforehand and reports to Congress that the project would conflict with the purposes of this Act and would affect the river and its values.

Section 7(b): This section imposes requirements and prohibitions similar to the ones referred to in section 7(a) to rivers in the study category for five years after enactment and for the additional study period of three years, in the case of rivers recommended by Interior or Agriculture, or for one additional year, in the case of a State-named river.

Section 7(c): This section requires all Federal agencies to notify the appropriate Department of any existing studies, proceedings, or other activities, including license applications, which affect or may have any potential effect on any of the study rivers. These agencies are also required to so inform the appropriate Department on a continuing basis before such actions are actually commenced or resumed by the agency. Upon receipt of such notice, the appropriate Secretary will be able to undertake whatever efforts are necessary to make the determinations required by sections 7(a) and 7(b).

Section 7(d): This section provides that the provisions of sections 7(a), (b), and (c) are not intended to apply to grants made under the Land and Water Conservation Fund Act of 1965.

It should be emphasized that the objective of all of section 7 of this Act is to protect the rivers designated under the Act or the rivers under study under this Act. It is not, however, intended to prevent all development, particularly in the case of the study rivers. The section contemplates that the appropriate agencies will continue to study and to consider applications for upstream and downstream developments, but that such studies or consideration will be subject to review and comment by the appropriate Secretary pursuant to this section.

Section 8(a): This section withdraws from entry, sale, or other disposition under the public land laws of the United States all public lands within the boundaries of rivers designated or to be designated under section 3 of the Act.

Section 8(b): This section provides a similar withdrawal for study rivers under section 5(a) of the Act.

Section 9: This section would continue the applicability of the United States mining and mineral leasing laws within components of the System, except that, in the case of areas designated under section 3 of this Act and in areas to be designated in the future, mining activities and mineral leasing activities shall be subject to regulation by the Secretary of the Interior or the Secretary of Agriculture, as appropriate. The issuance of a patent or the perfection of any claim affecting lands within the system designated under this Act or to be designated in the future would confer or convey a right to the mineral deposit and so much of the surface and surface resources as are reasonably needed to carry out prospecting and mining operations and in accordance with regulations prescribed by the appropriate Secretary.

Minerals in Federal lands which constitute the bed or bank of a river included in the system as wild river areas under the bill or some time in the future and which are within ¼ of a mile of the river are withdrawn from the operation of the mining and mineral leasing laws. A similar withdrawal also applies to areas subject to study under section 5 of the bill, but prospecting or leases, licenses, and permits under the mineral leasing laws on these areas are not forbidden. This section also requires that the regulations will include safeguards to prevent pollution of the river and unnecessary impairment of the scenery.

Section 10(a): This section directs that each component of the system be administered to protect and enhance its values without limiting, to the extent possible, other uses that do not substantially interfere with the public use and enjoyment thereof. It provides considerable flexibility in the development and execution of management plans for each component.

Section 10(b): Where a portion of a river is included in the Wilderness System, the Act provides that the Wilderness Act provisions and those of this Act will apply. Where there is a conflict the more restrictive will apply. This is not to say, however, that ordinary rules of statutory construction do not apply. A specific provision set out in this Act such as the one dealing with minerals or hunting and fishing or the one establishing the wilderness area would always control actions over more general provisions in the other Act.

Section 10(c): This section defines the laws applicable to each component administered by Interior. If the component is added to the National Park System or the National Wildlife Refuge System, the laws applicable to the appropriate System would apply. The provisions of this Act would also apply. Again the ordinary rules of statutory construction must apply. Where there is a conflict between the two laws, the more specific will control. Clearly, it is not the intention of your conferees that the Secretary administer each area added to the National Park System as a national park with all its restrictions. In most cases, the rules and regulations applicable to national recreation areas will probably apply to these components. The section also authorizes the Secretary of the Interior to utilize all authorities available to him for recreation and preservation purposes and for the conservation and management of the various resources of each component, including the quality of the waters thereof.

Section 10(d): This section authorizes the Secretary of Agriculture to utilize general authorities available to him relating to national forests in connection with his administration of any component of the System.

Section 10(e): This section provides for cooperative arrangement with the States and local governments in the administration of each component.

Section 11: This section directs Interior to encourage the States to include State and local wild, scenic, and recreational rivers in their outdoor recreation plans, and to furnish technical assistance and advice to the States and local governments, and private interests in establishing such areas. The Secretaries of Health, Education, and Welfare and Agriculture are also directed to provide such advice and assistance.

Section 12: Under this section, each Federal agency is required to review its administrative and management policies, its regulations, contracts, and plans affecting lands under its jurisdiction which are in a study river or border thereon to determine what measures should be taken during this study period to protect the river. Special emphasis is given to timber harvesting, road construction, and other activities, including those which might affect water quality. This provision would not abrogate existing rights, etc., without the consent of the owner thereof. Each agency head is directed to cooperate with Interior and the State water pollution control agencies to eliminate or prevent pollution.

Section 13: This section does not change or modify any jurisdiction or responsibility the States have with respect to fish or wildlife. It does not take away or grant the States any more authority then they now have. This section also directs that hunting and fishing shall be permitted on lands and waters of each component of the System under applicable State and Federal laws and regulations except, in the case of hunting, where the component is part of a national park or monument. The appropriate Secretary may prohibit, limit or control hunting for rea-

sons of public safety, administration, or public use and enjoyment.

State and Federal jurisdiction over waters of any component is to be determined by established principles of law. Enactment will not affect or impair valid or existing water rights and any taking thereof would entitle the owner to just compensation.

Enactment of the bill would reserve to the United States sufficient unappropriated water flowing through Federal lands involved to accomplish the purpose of the legislation. Specifically, only that amount of water will be reserved which is reasonably necessary for the preservation and protection of those features for which a particular river is designated in accordance with the bill. It follows that all unappropriated and unreserved waters would be available for appropriation and use under State law for future development of the area.

The Secretaries are authorized to grant easements and rights-of-way in connection with an area of the System in accordance with the laws applicable to the National Park System, in connection with Interior areas, and the National Forest System, in connection with Agriculture areas, subject to such conditions as may be necessary to carry out the purposes of the Act.

Section 14: Section 14 deals with the effect of the claim and allowance of an income tax deduction for conservation easements donated for purposes of the Act. If such a donation is made and the deduction is claimed and allowed it will constitute an agreement that, upon breach of the terms of the conservation easement, the servient estate may be acquired at fair market value as of the time of the donation minus the value of the easement claimed and allowed as a deduction.

Section 15: This section defines the terms used in the Act.

Section 16: This section authorizes an appropriation of $17 million for land acquisition.

REGULATION OF MAILING OF MASTER KEYS—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, as in legislative session, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14935) to amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of September 24, 1968, pp. H9028–H9029, CONGRESIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. YARBOROUGH. Mr. President, the bill as passed by the Senate provided new legal restrictions on the mailing of certain master keys to automobiles, and had two further provisions which were not in the bill as it passed the House. One clarified the authority of postal inspectors to make arrests, and the other related to the fixing of wages for blue-collar Federal employees.

The conference report is substantially as the bill passed the Senate, with certain technical changes agreed upon by the conference committee members.

I move that the Senate agree to the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

AMENDMENT OF FOOD STAMP ACT OF 1964, AS AMENDED—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, as in legislative session, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3068) to amend the Food Stamp Act of 1964, as amended. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3068) to amend the Food Stamp Act of 1964, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That subsection (a) of section 16 of the Food Stamp Act of 1964 is amended (A) by deleting from the first sentence the phrase 'not in excess of $225,000,000 for the fiscal year ending June 30. 1969' and inserting in lieu thereof the following: 'not in excess of $315,000,000 for the fiscal year ending June 30, 1969; not in excess of $340,000,000 for the fiscal year ending June 30, 1970; not in excess of $170,000,000 for the six months ending December 31, 1970'; (B) by changing the word 'year' at the end of such first sentence to 'period'; and (C) by adding at the end of the subsection the following sentence: 'On or before January 20 of each year, the Secretary shall submit to Congress a report setting forth operations under this Act during the preceding calendar year and projecting needs for the ensuing calendar year'."

And the House agree to the same.

W. R. POAGE,
E. C. GATHINGS,
GRAHAM PURCELL,
THOMAS S. FOLEY,
Managers on the Part of the House.

ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
HERMAN E. TALMADGE,
B. EVERETT JORDAN,
GEORGE D. AIKEN,
MILTON R. YOUNG,
J. CALEB BOGGS,
Managers on the Part of the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. ELLENDER. Mr. President, as originally passed by the Senate, this bill would have increased the 1969 food stamp program authorization by $20 million to $245 million.

The House amendment would have removed the limit on this authorization and extended it to the 3 additional fiscal years ending in 1970, 1971, and 1972. The House amendment would also have required the Secretary to make progress reports by January 20 each year, and would have made strikers and students in institutions of higher learning ineligible to begin receiving stamps.

The conference substitute increases the authorization for fiscal 1969 to $315 million, and provides an authorization of $340 million for the fiscal year ending June 30, 1970, and an authorization of $170 million for the 6 months ending December 31, 1970. It also adds the reporting requirement that was contained in the House amendment. It does not include the provisions of the House amendment with respect to students and strikers.

Mr. President, I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on the motion of the Senator from Louisiana.

The motion was agreed to.

THE BUREAU OF LAND MANAGEMENT: WELL DESERVED PRAISE

Mr. MCGEE. Mr. President, I ask unanimous consent to have printed in the RECORD a statement on the subject "The Bureau of Land Management: Well Deserved Praise," prepared by the distinguished senior Senator from Alaska [Mr. BARTLETT], who is unable to be present today.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE BUREAU OF LAND MANAGEMENT: WELL DESERVED PRAISE

Mr. BARTLETT. Mr. President, this past summer found interior Alaska swept by a series of catastrophic forest fires which originated in lightning storms.

It is customary, unfortunately, for those who are unfamiliar with our great State to think of it as a land of glaciers and snow—but it is not. Summer temperatures at Fairbank reach 90° and the rainfall and humidity in that period is low. Vegetation blooms and the land is green.

There is always the risk of forest fire because so much of interior Alaska's beauty is so poorly serviced by usable roads. Our lakes abound in fish and our forests are alive with wildlife. There is beauty everywhere but there is also the threat of fire. Those beautiful thunder-head clouds that form such a fine setting for this scenery also contain the seeds of destruction.

Since January 1, 723,000 acres, mainly in interior Alaska, have been consumed in 450 forest fires. This is an area larger than the State of Rhode Island. The area burned is about 2% of Alaska's 375 million acres. These are fires of tragic proportions, damaging for years to come a great and valuable resource.

Most of Alaska is still federal domain and the Department of Interior's Bureau of Land Management has the responsibility for conservation operation over much of it. I would like, on behalf of Alaska's people, to call public attention to the excellent job the Bureau of Land Management is doing to carry out its obligations for the protection and management of the public domain in Alaska. These are lands which belong to all Americans. Their protection and management is a gigantic and difficult task. I ask unanimous consent that there be printed in the Record

Public Law 90-542
90th Congress, S. 119
October 2, 1968

An Act

To provide for a National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Wild and Scenic Rivers Act".

Wild and Scenic Rivers Act.

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

(c) The purpose of this Act is to implement this policy by instituting a national wild and scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

SEC. 2. (a) The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned without expense to the United States, that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine, and that segment of the Wolf River, Wisconsin, which flows through Langlade County.

National wild and scenic rivers system.

82 STAT. 906
82 STAT. 907

(b) A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system and, if included, shall be classified, designated, and administered as one of the following:

Eligibility for inclusion.

(1) Wild river areas—Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Scenic river areas—Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Recreational river areas—Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some

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development along their shorelines, and that may have undergone some impoundment or diversion in the past.

National wild and scenic rivers.

SEC. 3 (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) CLEARWATER, MIDDLE FORK, IDAHO.—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

(2) ELEVEN POINT, MISSOURI.—The segment of the river extending downstream from Thomasville to State Highway 142; to be administered by the Secretary of Agriculture.

(3) FEATHER, CALIFORNIA.—The entire Middle Fork; to be administered by the Secretary of Agriculture.

(4) RIO GRANDE, NEW MEXICO.—The segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

(5) ROGUE, OREGON.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the Interior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

82 STAT. 907

82 STAT. 908.

(6) SAINT CROIX, MINNESOTA AND WISCONSIN.—The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: *Provided*, That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this Act may be expended for the acquisition or development of lands in connection with, or for administration under this Act of, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota and the upstream end of Big Island in Wisconsin, including the company's right, title, and interest to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (e) of section 10 of this Act.

(7) SALMON, MIDDLE FORK, IDAHO.—From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

(8) WOLF, WISCONSIN.—From the Langlade-Menominee County line downstream to Keshena Falls; to be administered by the Secretary of the Interior.

(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection

(a) of this section shall, within one year from the date of this Act, establish detailed boundaries therefor (which boundaries shall include an average of not more than three hundred and twenty acres per mile on both sides of the river); determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

Publication in Federal Register.

82 STAT. 908

82 STAT. 909

SEC. 4. (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and from time to time submit to the President and the Congress proposals for the addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system; which, in his or their judgment, fall within one or more of the classes set out in section 2, subsection (b), of this Act; and which are proposed to be administered, wholly or partially, by an agency of the United States. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.).

Each proposal shall be accompanied by a report, including maps and illustrations, showing among other things the area included within the proposal; the characteristics which make the area a worthy addition to the system; the current status of landownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area be administered; the extent to which it is proposed that administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area as a component of the system. Each such report shall be printed as a Senate or House document.

Report, maps, etc.

Printing as Senate or House document.

(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress. No river or portion of any river shall be added to the national wild and scenic rivers system subsequent to enactment of this Act until the close of the next full session of the State legislature, or legislatures in case more than one

State is involved, which begins following the submission of any recommendation to the President with respect to such addition as herein provided.

(c) Before approving or disapproving for inclusion in the national wild and scenic rivers system any river designated as a wild, scenic or recreational river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

Publication in Federal Register.

Potential additions. Designation.

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

(1) Allegheny, Pennsylvania: The segment from its mouth to the town of East Brady, Pennsylvania.

(2) Bruneau, Idaho: The entire main stem.

(3) Buffalo, Tennessee: The entire river.

(4) Chattooga, North Carolina, South Carolina, and Georgia: The entire river.

(5) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.

(6) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.

(7) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

(8) Gasconade, Missouri: The entire river.

(9) Illinois, Oregon: The entire river.

(10) Little Beaver, Ohio: The segment of the North and Middle Forks of the Little Beaver River in Columbiana County from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.

(11) Little Miami, Ohio: That segment of the main stem of the river, exclusive of its tributaries, from a point at the Warren-Clermont County line at Loveland, Ohio, upstream to the sources of Little Miami including North Fork.

(12) Maumee, Ohio and Indiana: The main stem from Perrysburg, Ohio, to Fort Wayne, Indiana, exclusive of its tributaries in Ohio and inclusive of its tributaries in Indiana.

(13) Missouri, Montana: The segment between Fort Benton and Ryan Island.

(14) Moyie, Idaho: The segment from the Canadian border to its confluence with the Kootenai River.

(15) Obed, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.

(16) Penobscot, Maine: Its east and west branches.

(17) Pere Marquette, Michigan: The entire river.

(18) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville.

(19) Priest, Idaho: The entire main stem.

(20) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the east boundary of Terrell County on the United States side of the river: *Provided*, That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate

executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.

(21) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.

(22) Saint Joe, Idaho: The entire main stem.

(23) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.

(24) Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek; the Cascade River between its mouth and the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek; the Sauk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

(25) Suwannee, Georgia and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.

(26) Upper Iowa, Iowa: The entire river.

(27) Youghiogheny, Maryland and Pennsylvania: The segment from Oakland, Maryland, to the Youghiogheny Reservoir, and from the Youghiogheny Dam downstream to the town of Connellsville, Pennsylvania.

(b) The Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture shall proceed as expeditiously as possible to study each of the rivers named in subsection (a) of this section in order to determine whether it should be included in the national wild and scenic rivers system. Such studies shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within ten years from the date of this Act: *Provided, however*, That with respect to the Suwannee River, Georgia and Florida, and the Upper Iowa River, Iowa, such study shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within two years from the date of enactment of this Act. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments which, if undertaken, would render them unsuitable for inclusion in the national wild and scenic rivers system. Studies.

(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State, and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national wild and scenic rivers system.

(d) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

Land acquisition.

SEC. 6. (a) The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire lands and interests in land within the authorized boundaries of any component of the national wild and scenic rivers system designated in section 3 of this Act, or hereafter designated for inclusion in the system by Act of Congress, which is administered by him, but he shall not acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation, and lands owned by an Indian tribe or a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

(b) If 50 per centum or more of the entire acreage within a federally administered wild, scenic or recreational river area is owned by the United States, by the State or States within which it lies, or by political subdivisions of those States, neither Secretary shall acquire fee title to any lands by condemnation under authority of this Act. Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.

(c) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village, or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act. In order to carry out the provisions of this subsection the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this Act. The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this Act, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

(d) The appropriate Secretary is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(e) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress in authorized to transfer to the appropriate secretary jurisdic-

tion over such lands for administration in accordance with the provisions of this Act. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

(f) The appropriate Secretary is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national wild and scenic rivers system.

(g) (1) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition, may retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, or the death of either or both of them. The owner shall elect the term to be reserved. The appropriate Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

Right of use and occupancy.

(2) A right of use and occupancy retained pursuant to this subsection shall be subject to termination whenever the appropriate Secretary is given reasonable cause to find that such use and occupancy is being exercised in a manner which conflicts with the purposes of this Act. In the event of such a finding, the Secretary shall tender to the holder of that right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination. Such right of use or occupancy shall terminate by operation of law upon tender of the fair market price.

"Improved property."

(3) The term "improved property", as used in this Act, means a detached, one-family dwelling (hereinafter referred to as "dwelling"), the construction of which was begun before January 1, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the appropriate Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

Water resources projects. Restrictions.

SEC. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin

construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval—

49 Stat. 863.
16 USC 791a.

Publication in Federal Register.

(i) during the five-year period following enactment of this Act unless, prior to the expiration of said period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, conclude that such river should not be included in the national wild and scenic rivers system and publish notice to that effect in the Federal Register, and

(ii) during such additional period thereafter as, in the case of any river which is recommended to the President and the Congress for inclusion in the national wild and scenic rivers system, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national wild and scenic rivers system under section 2(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second.

Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential wild, scenic or recreational river area on the date of approval of this Act. No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-5 et seq.).

SEC. 8. (a) All public lands within the authorized boundaries of any component of the national wild and scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act.

Mining and mineral leasing laws.

SEC. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national wild and scenic rivers system except that—

(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a wild river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance or leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included in the system.

Administration.

SEC. 10. (a) Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

(b) Any portion of a component of the national wild and scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

16 USC 1131 note.

(c) Any component of the national wild and scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national wild and scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(d) The Secretary of Agriculture, in his administration of any component of the national wild and scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

Cooperative agreements with State or local governments.

(e) The Federal agency charged with the administration of any component of the national wild and scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

Assistance in financing State and local projects.

16 USC 4601-4 note.

16 USC 4601-4601-3.

SEC. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local wild, scenic and recreational river areas. He shall also, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such wild, scenic and recreational river areas.

(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them, assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such wild, scenic and recreational river areas.

Administration and management policies. Review.

SEC. 12. (a) The Secretary of the Interior, the Secretary of Agriculture, and heads of other Federal agencies shall review administrative and management policies, regulations, contracts, and plans affecting lands under their respective jurisdictions which include, border upon, or are adjacent to the rivers listed in subsection (a) of section 5 of this Act in order to determine what actions should be taken to protect such rivers during the period they are being considered for potential addition to the national wild and scenic rivers system. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

(c) The head of any agency administering a component of the national wild and scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

Fish and wildlife. Jurisdiction under State and Federal laws.

SEC. 13. (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety, administration, or public use and enjoyment and shall issue appropriate regulations after consultation with the wildlife agency of the State or States affected.

Compensation for water rights.

(b) The jurisdiction of the States and the United States over waters of any stream included in a national wild, scenic or recreational river area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the national wild and scenic rivers system shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(c) Designation of any stream or portion thereof as a national wild, scenic or recreational river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.

(d) The jurisdiction of the States over waters of any stream included in a national wild, scenic or recreational river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

(e) Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system.

(f) Nothing in this Act shall affect existing rights of any State, including the right of access, with respect to the beds of navigable streams, tributaries, or rivers (or segments thereof) located in a national wild, scenic or recreational river area.

Easements and rights-of-way.

(g) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national wild and scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided*, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act.

Claim and allowance as charitable contribution or gift. 76 Stat. 1034. 68A Stat. 410.

SEC. 14. The claim and allowance of the value of an easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

Definitions.

SEC. 15. As used in this Act, the term—

(a) "River" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.

(b) "Free-flowing", as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.

(c) "Scenic easement" means the right to control the use of land (including the air space above such land) for the purpose of protecting the scenic view from the river, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement.

Appropriations.

SEC. 16. There are hereby authorized to be appropriated such sums as may be necessary, but not more than $17,000,000, for the acquisition of lands and interests in land under the provisions of this Act.

Approved October 2, 1968.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 1623 accompanying H. R. 18260 (Comm. on Interior & Insular Affairs) and No. 1917 (Comm. of Conference).
SENATE REPORT No. 491 (Comm. on Interior & Insular Affairs).
CONGRESSIONAL RECORD:
Vol. 113 (1967): Aug. 8, considered and passed Senate.
Vol. 114 (1968): July 15, Sept. 12, considered and passed House, amended, in lieu of H. R. 18260.
Sept. 25, House agreed to conference report.
Sept. 26, Senate agreed to conference report.